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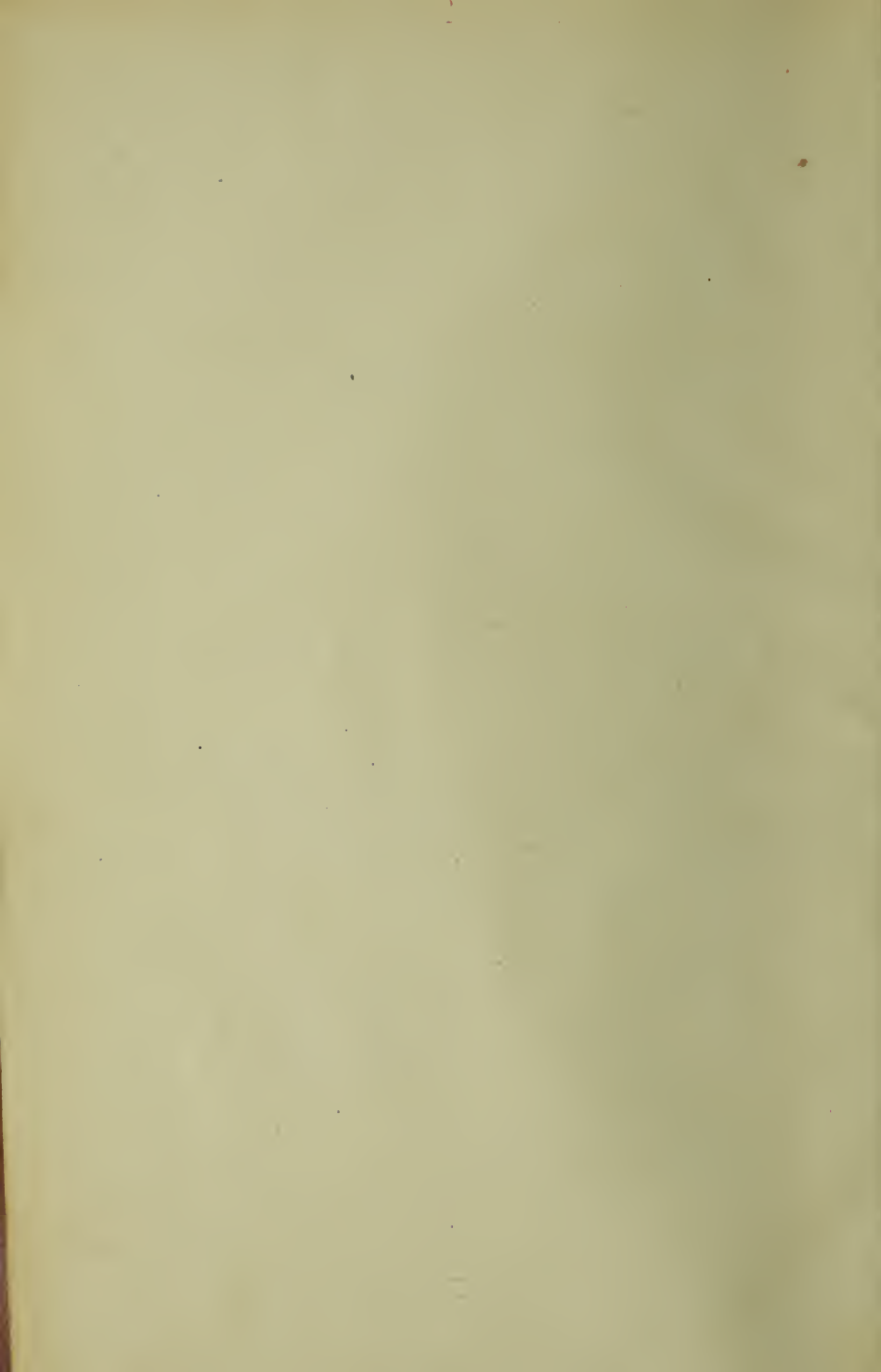
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# PATENTEES' MANUAL,

SHOWING

HOW TO INVENT, AND THE MANNER OF SECURING THE INVENTION

BY LETTERS PATENT

IN

CANADA AND FOREIGN COUNTRIES:

CONTAINING ALSO

THE PATENT, TRADE MARK, DESIGN AND COPY-RIGHT LAWS

OF THE

DOMINION OF CANADA,

WITH

SYNOPSIS OF PATENT LAWS

OF ALL COUNTRIES,

AND COST OF PATENTS IN EACH.

BY

CHARLES LEGGE AND COMPANY,

*Solicitors of Patents and Civil Engineers,*

48 GREAT ST. JAMES STREET, MONTREAL.

(THIRD EDITION, GREATLY ENLARGED.)

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in the office of the Minister of Agriculture.

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Mr. E. W. Plunkett, C.E. and Solicitor of Patents, late of this city, owing to engagements in the United States, has transferred his business to this office. Any of that gentleman's former clients, who may entrust us with their applications, may rest assured of the like skill and care being exercised in their interest, as bestowed by their late professional adviser.

MONTREAL, May, 1870.

## PRELIMINARY REMARKS TO INVENTORS.

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THE enormous development in all which appertains to the industrial and useful pursuits is undoubtedly the greatest wonder of the present age—an epoch which has no rival or competitor in all those now numbered with the past, in the rapid progress made in arts and sciences, as well as in all which relates to the mental, moral and physical well-being of the human race. To what can this progress be attributed, but to the inventive genius which so eminently characterizes the times in which we live. To what more than the fostering care with which Great Britain, France, and the United States, surround their children of genius, can their present proud positions in the van of nations be attributed—a guardian protection, which also, in a broad and liberal spirit, throws its mantle over the struggling genius of all nations, in extending to foreign inventors the privileges their own children obtain.

Statesmen and warriors may indeed claim our admiration for patriotic services rendered the state, but our unqualified respect and deepest gratitude must be awarded to the more humble and unambitious citizens, who have given to the whole world steam power on sea and on land, in all its ramifications; the spinning jenny and weaving loom; the electric telegraph flashing intelligence to earth's remotest bounds; ploughing, sowing, reaping, and threshing machinery, with all the thousands of mechanical appliances for lessening human labour, and with God's blessing ameliorating the sentence pronounced against man, that "From henceforth he should earn his bread by the sweat of his brow." To such men, in their character of inventors, humble instruments though they be, of our Benevolent and Loving Creator, may we yield respect for the good which flows from the work of their



hands. It is well and proper that paternal governments should give them that encouragement and reward they so eminently merit. So much has the propriety of this course been felt, that in the present day, amongst nearly all civilized nations, a greater or lesser amount of protection is given to all inventors who choose to avail themselves of its services, the amount levied by the Government from the inventor being merely a nominal sum to cover the cost of examining the applications and issuing the patent which, in various countries, extends over the periods to be mentioned in an after part of this work.

## HOW TO INVENT.

If we were asked to point out the course of life, business or enterprise upon which any man of ordinary gifts might enter with the best prospects of speedy success, we would unhesitatingly direct him to *invention*. Many and wonderful have been the achievements of modern genius, as has before been mentioned. But the realm of invention is absolutely exhaustless, and only its outer edges have been explored. The world has yet to witness the most astounding triumphs of mind over matter.

It is a popular error to suppose that much knowledge, painful effort, constant disappointment, and many wearisome failures are the necessary preliminaries of an inventor's success. True there are individual examples of this kind; they are exceptions.

It may be affirmed as the general rule, that inventors make money more quickly, more easily and with less expenditure of thought, capital, or labour, than any other class of men,

It may also be affirmed that industrial enterprises and speculations which are connected with the development and introduction of new inventions, are among the most sure and *profitable* investments which can be made.

The readiest way to invent is to *keep thinking*, In order to supply the mind with a constant succession of subjects, the inventor should cultivate habits of *observation*. Keep your eyes and ears open, examine things about you, and seek to know how they are made, and how improved.

The young inventor should acquire a knowledge of the general



laws and principles of natural philosophy, chemistry, and all the sciences.

Leisure hours might be occupied with drawing and with books suggestive of improvements. To avoid waste of time in reproducing old devices, the inventor should be well posted in regard to inventions which have already been patented. For this purpose an attentive study of mechanical journals will be almost indispensable.

A leading paper makes the following useful remarks: "Of course, in order to succeed, a new invention must be superior to anything that has preceded it, and must be sold at a price that will enable it to be brought into general use. People cannot afford to throw away old implements unless the new ones are enough better to make up for the loss. Let inventors produce a good article, at a moderate price, and they will be sure of success."

#### SMALL INVENTIONS MOST PROFITABLE.

In an official report of a chief examiner of the United States Patent Office we find the following:—"A patent, if it is worth anything, when properly managed is worth and can easily be sold for from ten to fifty thousand dollars. These remarks only apply to patents of minor or ordinary value; they do not include such as the telegraph, the planing machine, and the rubber patents, which are worth millions each. A few cases of the first kind will better illustrate my meaning:—

"A man obtained a patent for a slight improvement in straw-cutters, took a model of his invention through the Western States, and after a tour of eight months, returned with forty thousand dollars in cash, or its equivalent.

"Another inventor obtained extension of a patent for a machine to thresh and clean grain, and sold it in about fifteen months for sixty thousand dollars. A third obtained a patent for a printer's ink, and refused fifty thousand dollars, and finally sold it for about sixty thousand dollars.

"These are ordinary cases of minor invention, embracing no very considerable inventive powers, and of which hundreds go out from the Patent Office every year. Experience shows that the most profitable patents are those which contain very little real invention, and are to a superficial observer of little value."

## HOW TO OBTAIN PATENTS.

A point of great importance to an inventor, who may be desirous of securing a patent, is to know the steps to be followed for obtaining the same in the manner required by law, or to place himself in a position for obtaining advice from a skilled person, who makes the subject of patents a specialty both in a mechanical and legal point of view, and who is therefore qualified to give an opinion on any point about which information is sought, and who may be able to prepare the required drawings, specifications, and other documents in connection with the application in a skilful and correct manner, file the same at the Patent Office, and attend to the business on behalf of his client, until the patent is obtained.

To the foregoing qualifications should be added one of equal importance, viz., thorough honesty of purpose in attending to the client's interest.

In connection with the foregoing remarks, we may be permitted a few words personal to ourselves.

We have now been engaged for over ten years in the important business of soliciting patents, and number our clients by thousands throughout the Dominion, United States, Great Britain, France, and other parts of the world. There is great satisfaction in stating that we have never yet lost a client through any want of skill or of attention to his interests. The speed with which we transact our business at the various Patent Offices, is due to the correct and beautiful manner in which the various specifications and drawings are prepared, to our personal acquaintance with the government officials, and to the large number of patents we are instrumental in obtaining, which give us, so to speak, the right of way.

We do not wish to draw invidious comparisons with other solicitors, but in justice to ourselves, state the mere simple fact that more patents are obtained through our agency than through that of all other Canadian solicitors.

In many instances cases have been brought under our notice, of applications having been made through inexperienced or dishonest solicitors, in which from six to twelve months have elapsed before the patents were obtained, while in other cases they were not obtained

at all. A delay like this is fatal to the interests of the inventor. We pride ourselves on the successful management of our clients' applications, in fact, regard their interests as our own, being sure, that if they have reason to be pleased with our promptness and skill in obtaining one patent, additional business will come in the form of fresh applications, either from themselves, or from their friends. We wish to make the name of our firm "a household word" for skill, probity and dispatch, wherever inventive and mechanical genius exist, and are fast doing so.

The senior member of our firm is a civil engineer of great experience in drawing up the applications, both in a mechanical and legal point of view ; the drawings are prepared by skilled draughtsmen, under his immediate supervision. Our clients may rest assured, therefore, that the work will be correctly and well performed.

We are in almost daily communication with the leading manufacturers in the Dominion, many of whom are our clients, and have excellent opportunities of bringing inventions under their notice, after the patents have been obtained, and do so, if requested by the patentee. In this manner many good sales of patent rights have been made through our instrumentality. Our offices are, in fact, the head quarters in Canada for obtaining and giving information on all subjects appertaining to the mechanical arts and manufactures, and should be visited by all inventors, whether desirous of obtaining patents or not. A cordial invitation is tendered, and a courteous reception given to visitors, whether inventors or not.

We give a list of a few of our principal clients for whom patents have been obtained in Canada and in Foreign countries, to whom we beg to refer those requiring services, for information as to the manner in which their business has been transacted.

## GENERAL REMARKS ON THE DOMINION PATENT LAW.

With the foregoing remarks, we will now proceed to give such information with reference to the new patent law of the Dominion of Canada, as will enable a person to determine if he can make application for a patent, under its provisions, and if so, to indicate the steps he should take in order to secure the same. This law came in force on the 1st of July, 1869, and abrogated the local

Provincial laws which, previously to that time, had been in force in the different Provinces—patents granted under those late laws, will, however, still continue in force in the Provinces for which they were granted, for the unexpired periods they have to run. It will also be seen that under certain conditions those local patents may be extended over the entire Dominion.

During the passage of the Patent bill through Parliament, strong efforts were made to obtain a more liberal law than the one we now publish—a law which would assimilate with those of other civilized countries, in not demanding residence as a necessary preliminary to the application for a patent, and also in extending the right of a patent to all inventors, irrespective of nationality. This last condition was carried, but the first failed. Prior residence of one year, immediately before making the application, being required, but without reference to nationality of the inventor or applicant; the Government holding out a promise that prior residence would also be dispensed with, on the passage of the Reciprocity Treaty with the United States, then in contemplation. We have since that time made earnest efforts, by circulating petitions to Parliament, for signature, over the entire Dominion, praying that this clause might be struck off the statute book, without success; but it is hoped that the time will soon arrive when our legislators will become sufficiently enlightened to remove this relict of the dark ages from our patent law.

### BRIEF SYNOPSIS OF PATENT LAW.

The following brief synopsis of the existing patent law of the Dominion is given, and the reader is referred to the appendix, where the act is published at length, for additional information.

SEC. 6. Any inventor who has resided one year in the Dominion, immediately prior to his application, may obtain a patent.

SEC. 7. The application must be made within six months of the date of his foreign patent, supposing one has been obtained.

SEC. 8. Representative of inventor may obtain a patent.

SEC. 9. Patents granted for improvements on existing machines, &c.



- SEC. 10. Joint applications to be made by joint inventors, and patents issue accordingly.
- SEC. 11. Oath or affirmation as to invention must be made by applicants.
- SEC. 12. Applicant to elect a domicile in Canada.
- SEC. 13. Nature of petition, specifications to be in duplicate, clearly describing the character and operation of the invention or discovery.
- SEC. 14. Drawings to be furnished in duplicate with references.
- SEC. 15. Good neat working model of invention, or samples of ingredients, if a discovery, required by the Patent Office.
- SEC. 16. Describes the contents of the patent and powers granted thereby.
- SEC. 17. Gives duration of patent, in three periods of five years each, renewable on certain conditions.
- SEC. 18. Patent to be examined and certified by Minister of Justice before delivery.
- SEC. 19. In case of error the commissioner may cause a new patent to be issued.
- SEC. 20. Patentee may make disclaimer, under certain conditions, and balance of claim hold good.
- SEC. 21. Government of Canada may use any patented invention by making reasonable compensation.
- SEC. 22. Patents to be assignable in whole or in part, and assignments to be registered at Patent Office.
- SEC. 23. Gives penalty for infringement of patent.
- SEC. 24. Gives mode of action to be followed in prosecution for infringement.
- SEC. 25. Court may discriminate in certain cases.
- SEC. 26. Defence in such cases.
- SEC. 27. Patent to be void in certain cases, or only valid for part.
- SEC. 28. Patents to be conditioned on manufacture in Canada of thing patented, within three years of its date, otherwise patent to become null and void ; also, in the event of importing the article patented from any foreign country, after the expiration of eighteen months from its date.
- SEC. 29. Gives proceedings for impeachment of patent.
- SEC. 30. Certificate of judgment voiding patent, to be entered.

- SEC. 31. Judgment to be subject to appeal.
- SEC. 32. Existing Provincial patents to remain in force, and be extended over Dominion, on certain conditions.
- SEC. 33. Provides for handing over of records of Provincial patent offices to the commissioner.
- SEC. 34 to 37. With reference to fees, how and to whom to be paid.
- SEC. 38. In case of rejection, for various causes, the commissioner to have the power of returning one half of the Government fee. In case of withdrawal, fresh application necessary to revive the claim, as if no proceedings had taken place in the matter.
- SEC. 39. Intending applicant may file a *caveat*, but must make application for patent within four years, unless sooner called on to do so by conflicting application, when application must be filed within three months of date of notice.
- SEC. 40. Gives causes why commissioner may refuse to grant a patent.
- SEC. 41. Commissioner to notify applicant of rejection and state ground or reason therefor, and allow applicant to answer or explain the objections of commissioner.
- SEC. 42. In event of commissioner still refusing to grant the patent, applicant may appeal to Governor in Council, within six months.
- SEC. 43. In cases of interfering applications, arbitration by three skilled persons to decide to whom patent shall issue.
- SEC. 44. All documents in Patent Office to be open to inspection of the public, except *caveats*, under certain regulations.
- SEC. 45. Clerical errors not to invalidate documents, and may be corrected under authority of the commissioner.
- SEC. 46. Lost or destroyed patent may be replaced.
- SEC. 47. Use of patented inventions allowed in foreign ships.
- SEC. 48. Patent not to affect previous purchaser of invention, and patent to be valid if purchase, construction, use, &c., had not existed more than one year before application for patent.
- SEC. 49. Patented articles to be stamped with date of patent under penalty of fine or imprisonment.

SEC. 50. Provides for punishment of parties who may stamp an article as patented, when such is not the case.

SEC. 51. Provides for punishment of offenders for making false entry or copy.

SEC. 52. All old acts inconsistent with present act repealed.

SEC. 53. Gives name of act—"The Patent Act of 1869."

SEC. 54. Act to commence and take effect 1st July, 1869.

## HOW TO PROCEED TO OBTAIN A PATENT.

If after having carefully read the foregoing, as well as the patent law given in appendix, you decide on proceeding with your application for a patent, we will be happy to act as your solicitors in the preparation of the application and obtaining the patent.

SEARCH.—Before going to the expense of a formal application, the intending applicant can, if he think proper, have a search made in the Patent Office, to ascertain if there is any patent already granted which would conflict with his application, either in whole or in part. If in whole, it would be useless to incur the cost of an application—if only in part, the claim could be so adjusted as to steer clear of the part anticipated. If however, there is nothing found to interfere with the application, it can be made with considerable chance of success, the only thing to fear being pending or rejected applications for a similar invention, or the existence of a foreign patent, or a *caveat* in the secret archives, or that the commissioner may not deem it a fit subject for a patent.

To enable the search to be made, send us a sketch and description of the invention, pointing out what you consider to be novel or new, also a fee of \$10. A careful examination of the models, drawings and specifications, in the Patent Office, will be made and a report given.

PREPARATION OF APPLICATION.—Assuming that the report has been favourable, and that you decide on proceeding,—to enable us to prepare the various drawings and papers, a small working model of the invention is required. This model should not be over twelve inches in any one dimension, and may be made of metal, or wood, or of both combined;—it should be neatly and strongly constructed and varnished. If any of the novel features are located internally,




and hidden from view, it must be so made as to be capable of being taken apart to show them.—When the application is for an improvement on some existing machine, it will suffice, in the model submitted, to show such portions of the original machine, in combination with the improvement, as will enable the junction and working of both to be clearly seen.

When the invention or discovery is a composition of matter, samples of the compound, and samples of the ingredients, sufficient in quantity for an experiment, are required, and must be contained in glass bottles, properly labelled.

The model or samples, after having been carefully packed in boxes, should be forwarded to our address, either by express, or in any other reliable manner, prepaid,—at the same time notifying us by post of the date and manner of transmission. Send also a full written description, clearly explaining each part and its mode of action, showing wherein it differs from any analogous inventions with which you may be acquainted, and its advantages over the same.

When the nature of the case admits of drawings, this description may also be illustrated by rough sketches, showing the various parts of the invention, referring to and connecting the same with the written description by reference letters or figures: thus *a* is the cylinder of the engine; *b*, the piston head; *c*, the packing; *d*, the steam chest, etc, etc, marking each distinct part in the sketch with its appropriate letter, corresponding with the reference letter in the written description.

After having described the peculiar mode or modes of action of the various parts of the invention, you will then identify the parts claimed as new, either separately or in combination. If the specification is for an improvement or improvements, the original invention should be disclaimed, and the claim confined to the improvement or improvements as the case may be. Give your names (both christian and surname) in full, profession or occupation, place of residence, city, town, or village, county or district, and province; give the names of places where you have resided during the past year, and the place which you elect as your residence in future; write each name distinctly, and also the name you propose giving to the invention,—a short business name will answer.

 The first instalment of the fees should also be enclosed, amounting

to the sum of twenty-five dollars. The money may be sent either in the form of a draft on any of the chartered banks, or in the form of a post office order payable to our firm. If the fees are sent in bank bills the letter should be enregistered.

In many cases the model or samples, sketches, descriptions and money may be boxed up together and forwarded to us by express prepaid, notifying us by mail of the manner in which the articles have been forwarded.

On the receipt of the papers and money, a patent bond, executed by our firm, is returned to the inventor, stating that he has placed the invention in our hands with the view of obtaining *Her Majesty's Royal Letters Patent* for the same in the Dominion of Canada, and binding ourselves to prepare and prosecute the application on his behalf with all due diligence and secrecy, and to hand over the letters patent immediately on being obtained, to the patentee or to his legal representative, also to obtain letters patent for the same invention in no other country except at the instance of and under instructions to be received from the inventor, or from his legal representative.

The preparation of the papers, drawings, &c., for the application, is then pushed forward with all possible speed ; and, when completed, the documents are forwarded to our client, accompanied by a letter of instructions for his examination and signature. This being accomplished, the papers are returned to us, with a draft or remittance for the balance of the fee, which will usually amount to twenty-five dollars. When numerous and elaborate drawings, with lengthy specifications are required, involving much extra work, the final payment will exceed twenty-five dollars, but our charges in all cases will be moderate, in proportion to the amount of work performed, and made satisfactory to our clients, with the view of obtaining additional business.

On the receipt of the papers, properly executed, they will be immediately forwarded to the Patent Office at Ottawa, and the application pressed on with all convenient speed. When the parchment is completed, it will at once be forwarded to our client. The patent so obtained will possess a duration of five years ; at the expiration of this period, an extension of five years may be obtained, by the payment of a fee of twenty dollars to Government ; and at the end of

ten years, a final additional prolongation of five years by the payment of a third fee of twenty dollars to the Government; making the total duration of the patent fifteen years; the patent becoming void at the expiration of each period without the prolongation fee is paid. Our charge for attending to the extension of patents from period to period, paying fees to Government, &c., will be ten dollars. To enable us to transact the business the patentee or his assignee should forward us the patent, with the total fee of thirty dollars. The necessary steps will at once be taken to secure the prolongation, and the patent returned to the party interested. This action should be taken prior to the termination of the periods in each case, or the patent will lapse.

### EXTENSION OF PROVINCIAL PATENTS.

Patentees or their assignees, who may hold patents granted by either of the Provinces of the Dominion, prior to 1st July, 1869, may, under the conditions in *Section 32*, have them extended over the entire Dominion for the unexpired portion of the period for which they were originally granted.

In order to take advantage of this privilege, send us your original patent for surrender to the Government, at the same time remit the government fee of \$20, for the next period of five years. Immediately on receipt of same we will prepare the new application, with specifications and drawings in duplicate, also petition to the commissioner, and forward the documents for client's signature. This being done the papers are returned to us with the amount of our fee, which will usually be \$30; the application is then filed and the patents of re-issue obtained with the least possible delay, and, together with the original patent temporarily surrendered, returned to the client.\*

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\* This provision of the new patent law will be found very favourable to any inventors who, under the old Provincial laws of the different Provinces, were precluded from obtaining patents in any of the Provinces except the one in which they were residing; this applies more especially to the patentees of the Maritime Provinces, who were until now precluded from obtaining patents in the Provinces of Ontario and Quebec, but which may now be covered in the manner above indicated. No doubt advantage will be taken of this liberal provision of the new law, and patentees or their assignees, residing in New Brunswick, Nova Scotia, etc., etc., at once take steps for securing their interests in the wealthy Provinces of Ontario and Quebec, or *vice versa*.

*Unexpired Patents issued under Provincial acts*, for periods of fourteen years may be extended seven years additional.

Patents issued under the old laws, or prior to the coming into operation of the Dominion Law of 1869, were granted for the term of fourteen years, with the right of extension for seven years additional under certain conditions. Those rights still exist, either to the original patentees, or to their legal assignees or representatives. Many valuable inventions are now falling in, or the patents lapsing at the expiration of the fourteen years, which by prompt action, if taken at least six months before the expiration of the fourteen years, could be extended for an additional seven years. We give cases of this description our best attention, and on such terms as may be mutually agreed on. Our charges will, however, be moderate and in proportion to the labour involved.

## INTERFERENCE AND INFRINGEMENT.

We are frequently called on by the Patent Office, or by the opposing parties, to act either as arbitrators, or umpires, in cases of interference, under *Section 43, Patent Law*, and give our best attention and skill to the equitable settlement of the disputes. In matters of *infringement* we carefully investigate the entire subject, and instruct *counsel* with reference to the proceedings to be had in each case. Legal gentlemen, as a rule, know but little of mechanical subjects or details, and are therefore not well qualified to understand or decide in cases of this nature; a patent solicitor and skilled engineer, combined in one person, is better fitted to deal with the principles and practice of patent law in cases of infringement, and should be called on by the parties interested to work up the case before submitting it to the legal tribunals. We profess to understand thoroughly the *modus operandi*, and can be retained, either to give an opinion, or to prosecute the case—our fees, as usual, will be found moderate, but can be made the subject of special arrangement.

## REJECTION OF AN APPLICATION.

In case of the commissioner refusing to grant a patent or to extend one, we examine the grounds upon which the final refusal is



based, and if wet hink his decision unjust, and that it can be reversed, we advise an appeal to the "Governor in Council," in accordance with *Section 42*, Patent Law. If we succeed in obtaining a reversal, and a patent through this appeal, an extra fee is charged ; if we fail, thise xtra charge is not made. In case of a rejection, from any cause whatever, no portion of our fee is returned to our clients ; but the commissioner has the power to refund one half of the government fee, if he deem it proper to do so.

### CAVEATS.

It will be seen that under the new patent law, inventors may file *caveats*, and many, no doubt, will take advantage of this wise provision of the statute, more especially inventors who may not have resided the stipulated year in the Dominion, and consequently not eligible at the time, as applicants for patents. An inventor under such circumstances should file a *caveat*, both with the view of protecting his interest, and also to give him an opportunity of perfecting his invention. To enable us to secure your invention in this manner, send a full written description of the invention, in so far as you have proceeded, and accompanied by sketches, if the invention is of a mechanical character, to illustrate more clearly your meaning, with names in full, occupation, place of residence, &c, and we will at once prepare the *caveat* papers and forward them to you for signature, to be then returned to our office, in order to be filed in the secret archives of the Patent Office.

The total charge for a *caveat*, including the Government and solicitor's fees, will range from \$20 to \$30 ; at least ten dollars should be forwarded to us with the first instructions, and the balance when the papers are returned for filing. No models are required for *caveats*, but the papers, in order to be of any service, should be drawn up with great care.

### ASSIGNMENTS OF LETTERS PATENT, CAVEATS, TRADE MARKS, INDUSTRIAL DESIGNS, &c.

Assignments for whole or partial rights, licenses, &c., &c., are drawn up in the most careful and approved manner, and enregistered at the Patent Office, for the sum of six dollars. Parties requiring assignment papers prepared, should send us the names in full of

the assignor and assignee, places of residence, occupations, name of invention as given in patent, together with the date on which the patent, &c., was issued, with its number, the money consideration for which the sale was made, and the extent of territory to be covered by the assignment. When forwarding this information enclose \$3 or one-half of the fee. The assignment, duly prepared, will then be forwarded to the assignor for his signature, and with the balance of the fee, \$3, should then be returned to us for enregistration at the Patent Office. When this formality has been complied with, the instrument is forwarded to the assignee.

### COPYRIGHTS.

We give in the appendix the Dominion law, governing the issue of copyrights, which should be carefully studied by all parties interested in securing their rights in this important department.

A more extended knowledge of this subject would have been money in the pockets of many people, as by its provisions, any person resident in Canada, or any person being a British subject and resident in Great Britain or Ireland, (or their legal representatives) who may be the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves, or causes to be engraved, may secure by copyright, an interest in the same for twenty-eight years, with power of renewal for fourteen years additional.

In order to secure a copyright, send us by express or mail, (prepaid) three copies of the book, &c., &c., with \$10 for agency and government fees. The necessary papers for your signature are thereupon prepared and forwarded to you for execution, and then returned to us for enregistration. A certificate to that effect from the Patent Office will be duly forwarded to the party interested, with the inscription to be placed on the book, &c.

### TRADE MARKS AND INDUSTRIAL DESIGNS.

Closely allied with letters patent and copyright law, is the act bearing on the protection of manufactures and commerce, by the use of trade marks, and the securing of proprietary rights in industrial designs.

Many merchants and manufacturers lose both money and character in not protecting their wares with a suitable trade mark, to imitate or counterfeit which subjects the party so offending to heavy penalties.—Thus, a merchant or manufacturer selling or making an article, which has obtained a high character for excellence, will protect himself by placing his trade mark upon it. Without this sign or seal for identification, imitators throw an inferior and cheaper article on the market, and in this manner both undersell and bring reproach on the genuine manufacturer.

This is obviated by the use of a trade mark, and no person engaged in business should be without this necessary protection.

A trade mark may consist of any vignette, mark, name, brand, label, package, or other business device, as fully set forth in the act. *Vide* appendix.

In order to secure a legal right to its use, furnish us with a description of the word, mark, vignette, &c., &c., you have decided on adopting as your trade mark, as well as the description of goods, &c., you intend applying it to; give your names in full, occupation, place of residence, with one-half of the fee, or \$10. If your business is carried on under a company or firm, give the usual designation of the company, with names in full of members composing the firm, stating the name of the partner in whose name the application is to be made, for and on behalf of the firm.

We will thereupon prepare the duplicate papers and forward them for his signature, to be then returned with the balance of fee, \$10. After being enregistered at the Patent Office, one of the copies duly certified is returned to the party interested.

The law relating to the registration of designs will also be found in the appendix, and is so full and complete that but little explanation is demanded.

To enable us to prepare the case for lodging at the Patent Office, send a sketch of the design accompanied by full description of its character, with names in full, residence, occupation and \$15.

The papers are then made out and forwarded to you for signature; the balance of fee, \$15, is now due, and should be sent us on the return of the papers. After being registered, one copy of specification and design, duly certified, is forwarded to you.



## FOREIGN COUNTRIES.

Our facilities for obtaining letters patent in Great Britain, United States, France, Belgium, Russia, and other Foreign countries, are unrivalled. Our business partners are found in the capitals of every country where patents are granted, and are first-class, reliable men. We have no connection with men who are not thoroughly trustworthy and skilful. Inventors may consequently safely trust their interests in our hands, and should give orders for their Foreign Patents as soon after making application in Canada as possible. In Great Britain and in other European countries, Patents are granted for foreign inventions, to those who first introduce them into those countries, irrespective of the original inventor. For this reason many important and valuable inventions have been lost to the discoverer, from the delay in making his application; and frequently from placing the business in the hands of irresponsible or dishonest parties styling themselves "Patent agents," many of whom may be styled "Patent sharks," seeking what they may seize and appropriate. Avoid all such, and employ none but responsible, well-known, skilful solicitors, thoroughly posted up in the business, and who have a name to uphold.

Our foreign business is yearly increasing, and we recommend inventors to give us a trial, promising, if they do so, to give every satisfaction. We also, if so instructed, undertake the sale of Foreign patents on a reasonable commission.

Models are not required, as a rule, in any of the European countries, but the drawings and specifications require to be made with the utmost care in order to comply with their legal requirements, which are very strict. Many valuable patents have been lost to the inventors by minor errors having been made in some of the documents. Our papers are revised by first-class legal men of each foreign country, before being deposited in the respective Patent offices; and we have peculiar pleasure in stating that, up to the present time, not a single error has been detected in any of the numerous applications we have filed.

The average cost of obtaining letters patent in some of the leading European countries is given, provided no opposition is made, by parties claiming to be the inventors, to the granting of the same.

When such cases occur, we contest the point, and have succeeded, in many instances, in carrying our clients successfully through. Where such instances occur our charges are very moderate, and these occur principally in Great Britain, where each application has to be advertised in the *London Gazette*, for the purpose of giving opposing parties, if any, an opportunity of examining and ascertaining whether the application in question interferes with patents previously granted to them. If the application pass this ordeal, the Royal Letters Patent are granted shortly after. In passing through the various stages, up to this point, the application is watched and defended by skilled engineers and legal solicitors, on behalf of our client. In a large majority of instances no opposition is offered, and the patent issues at the cost given.

A synopsis of the patent laws of any foreign country, with cost of obtaining letters patent, will be forwarded to persons requiring the same on the receipt of *five dollars* for each country so indicated. The information given in every case will convey a clear idea of the nature of the law at present existing, and the obligations entailed both on the Government issuing the letters patent, and on the patentee.

### GREAT BRITAIN.

(Average cost supposing no opposition is encountered.)

1st 3 years \$313, if one skin of parchment is required.

2nd 4 “ \$250, stamp attached to letters patent at end of third year.

3rd 7 “ \$500, stamp attached to letters patent at end of seventh year.

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Total, 14 “ \$1063

A prior search through the Patent Office, if required, will cost thirty dollars more.

In Great Britain patents are assignable, either in whole or in part; and the fees to Government, for the succeeding terms, may be paid by the assignees.

Foreign applications for patents in Great Britain are usually made in the form of “Communications from abroad.” The patents issue to our agent in trust for the applicants, and are transferred to

the respective parties by deeds of assignment. This course prevents the transmission of documents back and forth, which would cause considerable expense and delay, as well as risk of loss by shipwreck or otherwise.

The various steps which are necessary to be taken, in order to obtain a British patent, may be briefly stated as follows:—

### THE TITLE.

When an inventor has resolved to apply for letters patent, the first thing to be considered is the title which must be given to the invention in the petition. There is often a good deal of difficulty in selecting a proper title, and inventors have not unfrequently lost the benefit of their patents in consequence of an error on this point.

The title must point out distinctly and specifically the nature of the invention; it must not be too general, and it is desirable not to make it too narrow—faults which a professional person is more likely to avoid than those not accustomed to the preparation of patent documents.

The title having been framed, and the petition prepared, it must be lodged at the office of the Commissioners of Patents, along with a declaration, made before some competent authority, and a

### PROVISIONAL SPECIFICATION.

This document is required to state distinctly and intelligibly the whole nature of the invention, so as to show in what it consists, and the means by which it is carried into effect. It is not necessary, however, to go into minute details.

### PROVISIONAL PROTECTION.

The title and the provisional specification are then referred to the law officer, for his approval. If dissatisfied with them, he may require them to be amended. If he approve of them, he issues his certificate to that effect, and this being filed in the commissioners' office, the invention becomes provisionally protected—that is to say, for six months, commencing at the date of the application—it may be used and published by the inventor. We would advise an inventor to be cautious how he makes his invention public until the time for opposing the grant has gone by.

The object of compelling an inventor to lodge a provisional specification with his petition, is to provide against the introduction into the final specification of any matter not contemplated by him at the time of his application. Improvements in mere details may be inserted in the final specification with perfect propriety; but such improvements must require the use of the original matter of invention set forth in the provisional specification. Although the latter is only a temporary document, great care should be bestowed on its preparation.

In place of lodging a provisional specification, an inventor may, if he chooses, lodge a complete specification along with his petition. In such a case, his invention is protected from the day the documents are deposited at the commissioners' office. The disadvantage of this proceeding is, that he has no further opportunity of perfecting his invention in its details. The trials and experiments which an inventor may openly make for six months after obtaining provisional protection generally suggest a variety of improvements, which may be embodied in the final specification; but, when a complete specification is lodged at starting, he is debarred from the benefit of further improvements, which, if very important, must form the subject of another patent.

### THE NOTICE TO PROCEED.

An applicant, as soon as he thinks fit, after obtaining protection in either of the above-mentioned modes, may give notice of his intention to proceed with his application; whereupon the commissioners will cause the application to be advertised in the *London Gazette*, with the view of giving persons who have an opposing interest the opportunity of objecting to it. This notice of the applicant's intention to proceed must be given at least eight weeks before the expiration of the provisional protection.

In case of opposition, the matter is referred to one of the law officers of the Crown, whose decision guides the commissioners, unless it is overruled by the Lord Chancellor.

Objections to the issue of a patent cannot be delivered after the expiration of twenty-one days from the appearance of the notice to proceed in the *Gazette*. It is very desirable that the applicant should advance as quickly as possible to that stage of the proceed-



ings where he is safe from objection ; and he will do well to place himself in the position of being able to demand the law officer's warrant, whenever he pleases.

### THE GREAT SEAL.

Application for the law officer's warrant and for the patent must be made at least fourteen clear days before the expiration of provisional protection, or the protection by reason of the deposit of a complete specification, and the patent must issue during the continuance of that protection. The Lord Chancellor, under special circumstances, has, however, power to extend the sealing of the patent for a month.

One patent now embraces the whole of the United Kingdom of Great Britain and Ireland.

Patents taken out in this kingdom for inventions previously patented in a foreign country, become void at the expiration of the foreign patent.

### THE COMPLETE SPECIFICATION.

In case the applicant did not lodge a complete specification with his petition, he is obliged to file a specification fully describing the nature of his invention, and the manner of carrying it into effect, within six months from the date of the patent. Very great care must be given to the preparation of this instrument, to make it comply with the decisions of the Courts. The instances of the fatal effect of unskilfulness in preparing specifications are innumerable. If drawings are required to the understanding of the invention, they must be prepared in duplicate, and one copy attached to the specification, and the other lodged at the commissioners' office. Each specification is engrossed on parchment bearing a £5 stamp. All specifications and the accompanying drawings are printed by the Queen's printer, and may be purchased for a small sum.

### AUSTRIA.

Alimentary preparations, beverages, and medicines cannot be patented. Inventions from abroad must have been previously patented in the country where they were made. Only one invention is allowed to be included in a single patent, unless the several

inventions relate to the same subject matter. The patent must be worked within a year of the grant, otherwise it becomes void, and the working must not cease for two consecutive years. Patents granted for any number of years up to fifteen. The Government tax is \$10 a year for the first five years, afterwards it is annually increased so that the total tax for fifteen years amounts to \$350. The whole tax for the years applied for must be paid at the time the petition is presented.

The expense of a patent for five years will average about \$180.

### BAVARIA.

Patents are granted for any term from one to fifteen years. There is an examination into the novelty and utility of the invention to be patented, but a patent is seldom refused. The patent must be worked within a year from the grant, and the working must not be suspended for two years. The cost of a patent for five years will average \$160.

### BELGIUM.

Patents are obtainable in Belgium for twenty years, but in the case of inventions previously patented elsewhere, they will expire at the same time as the original patent. The government tax begins with the payment of 10 francs for the first year, and increases annually at the rate of 10 francs, so that in the twentieth year 200 francs are payable. In case the tax is not paid in one year, the patent becomes void; and it is also rendered void by a failure to work the invention within a year from the date of its being worked abroad, or by a cessation of the working for the space of one year. The average expense of obtaining a patent with first year's tax paid is \$108.

### DENMARK.

No Patent laws exist in Denmark, but special privileges from three to twenty years are sometimes granted by the Crown on the recommendation of the Board of Customs, according to established rules.

Patents of invention must be worked within three years, and if granted for less than six years, within the first half of the term; and

all patents of importation within one year of date and the working proved before the minister of commerce and public works.

An extension of time for working is granted for good reasons shown, but not generally for more than six months.

The cost of a patent for five years will average \$187.

## FRANCE.

Pharmaceutical compounds and medicines cannot be patented. Patents for foreign inventions will not endure longer than the patents originally granted. Patents may be procured for fifteen years. A single patent will be restricted to one principal object. The weights and measures employed must be those of the Empire. The necessary drawings and descriptions must be lodged in duplicate. Alterations and additions may be made to the original invention during the existence of the patent. If the invention be not worked within two years from the date of patent, or if the working shall cease for two consecutive years, the patent will be void. An annual payment of \$20 must be made to Government during the existence of the patent. In case of default in making any one payment the patent becomes void.

The average expense of a French patent is \$108, including the first year's tax to Government.

## HANOVER.

This country is now united with Prussia, and consequently comes under the Prussian patent laws.

## BADEN.

## HESSE CASSEL.

## WURTEMBERG.

Patents are granted in these States, and in all the smaller States of the German Confederation. The conditions are similar to those in force in Bavaria and Saxony, and the expense of a patent for five years in each State is about \$160.

## HOLLAND.

The patent laws of this country were abolished July, 1869.



## ITALY.

Patents of invention are granted to inventors, native or foreign, for any new industrial product or result, instrument, machine, or mechanical arrangement, process, or method of industrial production, motor or industrial application of known forces or technical application of a scientific principle to the production of direct and industrial results.

No previous examination, as regards novelty. Inventions relating to food and drinks are examined as to their fitness to be patented. Medicines, or inventions merely theoretic, are not patentable.

Patents are granted for terms of from one to fifteen years at the option of the applicant; but a patent for an invention already patented abroad expires with the foreign patent, having the largest term, providing it be not more than fifteen years. Patents demanded for a term less than fifteen years may be prolonged.

The Government taxes are divided into a fixed tax proportionate to, and payable in advance for the number of years demanded, and an annual and triennially increasing tax, payable in advance, on the first day of each year of the patent's term.

In addition to these there are small taxes, payable upon applications for prolongation, or for certificates of addition or of reduction.

The ordinary cost of an Italian patent of six years, including entire proportional and first annual tax, is about \$200.

The annual tax (including commission) is for the

first three years.....	\$17	per year.
Second year.....	22	"
Third " .....	27	"
Fourth " .....	32	"
Last " .....	37	"
Tax on application for an extension of the original term (with commission).....	15	"

## PORTUGAL.

Patents of invention or of introduction are granted to natives or foreigners, without previous examinations or guarantee of the priority or merit of the invention.

Patents of invention are granted for fifteen years, or for a less term, at the option of the applicant, no subsequent prolongation

being granted. To inventors already having foreign patents no longer term will be granted than will make up fifteen years, from the date of the foreign patent; and the importer of an invention (not being himself the inventor) cannot obtain a patent for more than five years.

Tax—Government tax in advance, for the number of years demanded for a patent.

A Portuguese patent will cost for five years.....	\$180
“ “ “ ten years... ..	330
“ “ “ fifteen years.....	490

The patentee's privilege commences from the delivery of the patent. If the invention is a chemical process, a bond of \$1250 must be given by the patentee, that at the expiration of the patent, he will exhibit the process three times in public. The patent becomes void if the invention be not practiced within the first half of the term granted, and patentees are required to publicly expose their manufacture in operation, twice a month, three days previous notice having been given in the official journal.

### PRUSSIA.

The Government does not countenance patents for imported inventions, and they are seldom granted, and if granted, it is not often that a longer term than five years is obtained. Certain vexatious conditions are frequently imposed, and on the whole we cannot recommend the application for a patent in this State, except under special circumstances. The expense of a patent, for five years, is about \$135, and, if not granted, no portion of the Government fees is returned. If the patent is granted, it must be worked within one year of date. Proprietors are required to exercise their rights within six months of date of issue.

### RUSSIA.

Foreign inventions are patentable for one, two, three, four, five, six or ten years, at the option of the Government. The total cost of a six years patent is about \$400, and for ten years about \$600. A patent for an imported invention will not be valid after the expiration of the original patent. The invention must be worked within one quarter of the space of time for which the patent was

granted. Patents of importation are rarely applied for, the applicant being considered by the authorities as the inventor, or as acting under his directions. Neither patents of invention or importation can be extended, but if granted for a shorter time than applied for, nearly the difference of the tax for the two periods is surrendered by the Government.

### SARDINIA.

Patents are procurable for fifteen years, but in the case of imported inventions, they expire with the original patents—only a single invention can be included in one patent—medicines and purely theoretical inventions cannot be patented. Where the patent is for five years or less, the invention must be put into operation within the first year, and must not cease to be worked for the space of one year. If the patent is for more than five years, then it must be worked within two years, and must not cease to be worked for a similar length of time. In addition to the Government tax payable when the patent is applied for, there is an annual tax to be paid, increasing from 30 francs for each of the first three years, to 110 francs for each of the years beyond the twelfth. The total cost of obtaining a patent for fifteen years, exclusive of the annual payment, amounts to about \$130.

### SAXONY.

Patents are granted for five years, which may be extended to ten on petition. There is an examination into the subject of the patent prior to its grant, and patents are seldom refused. The patent must be worked within one year from the date of its grant; but this period can be extended by petition. The total expense of a patent for five years is \$160. The patent must be secured in the name of a native or person naturalized in Saxony, in trust for the inventor, and can afterwards only be held by a citizen of the German Confederation.

### SPAIN.

Patents for imported inventions are granted for five or ten years. The patent must be limited to one invention. The total cost of a patent in Spain is from \$170 to \$300, according to the term granted.

The invention must be carried into effect within a year and a day from the grant, otherwise the patent will become void, and the same effect will follow if there be a cessation of the working of the invention for a similar length of time.

### SWEDEN AND NORWAY.

Separate patents are granted for each kingdom. Imported inventions are patentable for three years, but this term may be extended to fifteen years, if it can be shown that they require complicated machinery, or are attended with considerable expense. The invention must be carried into operation within two years from the grant. The expense of a patent amounts to about \$160 for each country.

Proof of the working of the invention must be furnished to the Chamber of Commerce within two years of the date of the patent, which period may be reduced by the commissioners to one year, and is sometimes extended to four years.

By a provision of the law of 1839, in Norway, concerning "handicraft's occupation," patents are granted for a term not exceeding ten years. The expense of these patents (which are now rarely secured) is as before stated.

### BRITISH COLONIES—AUSTRALIA:

Patents are regulated by the law of March, 1857, the proceedings under which are very like those for obtaining British patents. The duration is fourteen years, or the term of a foreign patent for the same invention. The cost of a Victoria patent for first term, will vary from \$200 to \$300. A Government tax of \$75 is payable before the expiration of the third year; and a further tax of \$100, before the expiration of the seventh year.

### INDIA.

Patents are here granted to inventors or their personal representatives or assignees, for new and useful improvements in any art, process or manner of producing, preparing or making an article, or any article prepared or produced by manufacture.

An invention is considered new, if at the time of application it has not been publicly used or publicly known by means of written



or printed publications in any part of India, or of the United Kingdom; but any inventor who has obtained letters patent in the United Kingdom, may, on making application within six months after fying his complete English specification, obtain protection in India.

The mere fying of the applicant's specification confers upon him the rights of a patentee for fourteen years, leave for such fying having been previously obtained from the Government.

The ordinary cost of an Indian patent will be \$300.

### CAPE OF GOOD HOPE.

Patents are here regulated by a system very much resembling that of Great Britain.

Cost about \$200, subject to a tax of about \$50, at the end of the third, and of \$100, at the end of the seventh year.

Cost of patent in Jamaica, \$375—Term, 14 years.

“ “ New South Wales, \$425—Term, 7 to 14 years, at discretion of Governor.

“ “ New Zealand, \$300—Term, 14 years.

“ “ Queensland, \$425—Term, 7 to 14 years, at discretion of Governor.

“ “ Tasmania, \$300—Term, 14 years.

“ “ Trinidad, \$300—No special time.

“ “ British Guiana, \$500—Term, 14 years.

“ “ Ceylon, \$300, exclusive of Government, for 14 years.

### MEXICO.

Patents are granted to natives or foreigners for inventions or improvements: The duration is, in the case of an invention, ten years; in that of an improvement, six years: The patent fees vary considerably, so that no estimate of cost can be given.

### STATES OF SOUTH AMERICA—BRAZIL:

Patents are granted without previous examination or guarantee, to natives or foreigners, for any invention or improvement.

Patents of *invention* only are granted, but the importer of a foreign discovery is entitled to a premium, the value of which depends upon that of the discovery.

The duration of a patent is fixed by the Government, and varies from five to twenty years.

There is no Government tax upon patents, but expenses for the great seal, and other administrative formalities, must be paid. Cost about \$300.

A patented invention must be worked within two years, dating from the delivery of the patent. Patents become void if not worked within the specified time, *if the patentee afterwards obtain a foreign patent for the same invention*, or if the invention be proved to be old.

### CHILI, PERU, NEW GRENADA.

Patents are granted in these states for inventions, original or imported, to natives or to foreigners, upon condition that they initiate a certain number of natives in the operation of the discovery or invention.

The Governments fix the duration of patents, the term being at least twenty-five years.

The operation of patented inventions must take place with the least possible delay, the importation of the patented object being deemed operation.

The cost of each of these patents is about \$300.

### ARGENTINE CONFEDERATION.

Patents are granted, without previous examination or any guarantee, to inventors or first importers. Absolute novelty within the republic is requisite, and medicines and merely theoretic inventions are not patentable. The duration, at most, ten years, and only five for importations or improvements. A patent dates from the filing of the application, must be worked within the first year, and is somewhat costly.

### PARAGUAY.

To non-residents, patents of introduction *only* are granted for inventions made or patented abroad. Such patents expire six months after the foreign patent. There is no regular tax, but there are variable administrative expenses. Two years are allowed for operation. A patentee forfeits his patent if he afterwards obtain one abroad, without permission of the Government.

## UNITED STATES.

Patents are granted in the United States for a period of seventeen years, commencing with the date of the foreign patent. Foreign inventors are charged the same fees as demanded from American citizens, providing the Governments of the countries to which they belong do not discriminate against citizens of the United States. Inventions of a foreign origin should be worked within eighteen months after the patent is granted. A model of the invention, or samples, if the discovery is of a chemical nature, are required to be lodged in the Patent Office. The total cost of an American patent may be put down at about \$150, American currency, to an inventor whose Government does not discriminate against citizens of the United States. To Canadians, the total charge will be about \$650, American currency. This extra charge to Canadians is owing to the illiberal patent law now existing in the Dominion of Canada. The United States patent law is so framed, that so soon as the Canadians pass a reciprocating law, the United States fee at once drops from \$500 to \$35, without any further legislation.

As before stated, it is to be hoped the New Dominion Parliament will soon wipe this "relict of the dark ages," (the existing patent law,) off the Statute Books, and replace it with one more in accordance with the laws of all other countries, and the spirit of the nineteenth century.

The foregoing prices are on a gold basis, with the exception of those named for the United States. Parties desirous of making applications in any foreign country will send us full particulars, in the form of drawings and descriptions; or, if possible, a copy of those attached to the United States or Canada patent, if already granted in either of those countries, with a draft for the money, payable to our order in Montreal. A power of attorney, to enable us to act on behalf of the applicant, will be sent for his signature, and its receipt by us will enable the application to be made. In all cases in corresponding with this office, write distinctly, giving the names in full, of the applicant, his occupation, place of residence, town, county, state, &c.

Deeds of assignments of patent rights, carefully drawn up, in



the forms prescribed by law, and enregistered in Patent Offices of all foreign countries.

Many inventors think a trip to Montreal necessary to enable them to give the required information—this is not so, for while always glad to welcome clients to our offices, we may state that the business can be equally well performed by correspondence, except when the invention is more than ordinarily complex, in which case a personal explanation might be preferable.

If, however, the inventor can afford the time and expense, a trip to this city would no doubt be a delightful one, and a few days occupied in visiting and examining its wonderful manufacturing hives of human industries; the Mammoth Victoria Bridge, Docks, Lachine Rapids, &c., &c., would be time well and profitably spent. At any rate either by letter or in person, we will be glad to hear from or see the inventor, and aid him to the full extent of our ability, both with his applications, and in making the time pass pleasantly.

It is scarcely necessary to observe that all communications, either verbal or by letter, are, in the *strictest sense of the word*, *confidential*.

(ADDRESS.)

CHARLES LEGGE & COMPANY,

*Civil Engineers and Solicitors of Patents,*

48 GREAT ST. JAMES STREET, MONTREAL,

DOMINION OF CANADA,

The following are a few names taken from a list of gentlemen for whom patents have been obtained in Canada, New Brunswick, and in Foreign countries, by Charles Legge & Company, and to whom reference can be made.

NAMES.	RESIDENCES.
S. Skinner.....	Gananoque, Province of Ontario.
D. Rodgers.....	St. Eustache, Province of Quebec.
James Arless.....	Montreal, P. Q.
Wm. H. Sutton.....	Brantford, P. O.
Richard Healy.....	Bedford, P. Q.
James Dougall.....	Montreal, P. Q.
Edward Payne.....	Cobourg, P. O.
J. H. Foudrinier.....	Lyn, P. O.
Wm. Inglis.....	Manchester, England.

NAMES.	RESIDENCES.
Alexander Fleck.....	Montreal, P. Q.
Wm. Gibson.....	Brantford, P. O.
James Inglis.....	Montreal, P. Q.
R. T. Sutton.....	Lindsay, P. O.
Cowie & Alison.....	Montreal, P. Q.
Wm. Stephenson.....	" "
Henry Wood.....	" "
James Foley.....	" "
C. S. Dewitt.....	" "
Geo. R. Prowse.....	" "
Capt. McLeod.....	Halifax, N. S.
John Harris.....	Montreal, P. Q.
John Williams.....	" "
J. F. D. Black.....	" "
John Hart.....	Bedford, P. Q.
James Hodges.....	Montreal, P. Q.
Charles Esplin.....	Ottawa, P. O.
Dr. Welles.....	Stanbridge, P. Q.
J. Paradis.....	Hochelaga, P. Q.
C. Anderson.....	Montreal, P. Q.
A. Champion.....	Stratford, P. O.
Cox & Murphy.....	Montreal, P. Q.
Wm. Gibson.....	South Granby, P. Q.
Hon. L. A. Dessaulles.....	Montreal, P. Q.
A. Woodward.....	" "
Ira Gould.....	" "
Dr. Brewster.....	" "
F. A. Lamontagne.....	" "
Pierre B. Jay.....	" "
George Cowles.....	Cleveland, Ohio.
James M. Mott.....	Toronto, P. O.
C. D. Chase.....	Sutton, P. Q.
Charles Dion.....	Montreal, P. Q.
A. Farewell.....	Oshawa, P. O.
T. Fahrland.....	Montreal, P. Q.
Alexander Buntin.....	" "
Joseph Morin.....	" "
J. McDowell.....	" "
S. R. Warren.....	" "
A. McD. Forster.....	Hamilton, P. O.
Normand Wiard.....	Ancaster, P. O.
George Watt.....	Beauharnois, P. Q.
T. L. Wilson.....	Montreal, P. Q.
Wm. Notman.....	" "
Charles W. Barry.....	" "
Joseph Marks.....	" "
J. Wark.....	" "
J. B. Phreyne.....	" "
J. A. Woodworth.....	" "
Crevier & Poitras.....	" "

NAMES.	RESIDENCES.
Alfred Pilky.....	Stratford, P. O.
C. Taylor.....	St. John, N. B.
A. G. Gray.....	" "
R. Mitchell.....	Montreal, P. Q.
D. H. Gould.....	Troy, N. Y.
Capt. Bolton, British army.....	London, England.
J. Batchelder.....	Montreal, P. Q.
Dr. M. H. Utley.....	" "
G. H. Pierce, C. E.....	Richmond, P. Q.
J. Devlen.....	New Jersey City.
J. Millar.....	San Francisco, Cal.
J. Meigs.....	St. Guillaume, P. Q.
R. Mushet.....	London, England.
J. H. Daley.....	Montreal, P. Q.
Wm. Muir.....	" "
A. Pollok.....	Washington, D. C.
A. Tyler.....	Hartford, Conn.
Munn & Co.....	New York City.
R. Copeland.....	Montreal, P. Q.
Evarts & Meigs.....	" "
John McBean.....	" "
A. Greenleaf.....	" "
J. W. Stewart.....	" "
T. Abel.....	" "
T. Finegan.....	" "
John Leeming.....	" "
Brown, Combes & Co.....	New York.
Canada Horse Nail Co.....	Montreal, P. Q.
H. C. Lloyd.....	Melbourne, P. Q.
Dr. Ehrhardt.....	Montreal, P. Q.
S. Nicolson.....	Boston,
G. Lomer.....	Montreal, P. Q.
Mr. Jones.....	Nova Scotia.
Rev. J. Bte. Ponton.....	St. Marieville, P. Q.
Mr. Barr.....	Washington, D. C.
S. R. Corbay & Co.....	Hamilton, P. O.
Francis Ellershausen.....	Montreal, P. Q.
D. Vass.....	" "
Wm. McKenzie Robertson.....	Eldorado, P. O.
L. Kirkup.....	Montreal, P. Q.
Thos. Izod.....	New York City.
Mr. Boynton.....	Hartford, Conn.
Wm. P. Bartley.....	Montreal, P. Q.
Wilson & McDougall.....	" "
Richard Coleman.....	Lyn, P. O.
E. L. Cowling.....	Montreal, P. Q.
Mr. Jamieson.....	New York City.
Thos. M. Hammond.....	Montreal, P. Q.
Jacob Scott.....	Richmond, P. Q.
G. H. Hinton.....	Montreal, P. Q.

NAMES.	RESIDENCES.
E. E. Gilbert.....	Montreal, P. Q.
Wm. G. Pullan.....	" "
Howes, Babcock & Co.....	Silver Creek, New York.
Schuyler Smith.....	Stanstead, P. Q.
Wm. Owen.....	Toronto, P. O.
Nicholas Paint.....	Halifax, N. S.
Edwin Chesterman.....	Montreal, P. Q.
J. J. Johnson.....	Alleghany City, Pa.
Samuel Perry.....	Montreal, P. Q.
Homer Taylor.....	" "
J. B. Burbank.....	Danville, P. Q.
Horace A. Taylor.....	Malone, N. Y.
Benjamin Irvine.....	Boston.
Davies & Hunt.....	London, England.
Samuel Gorley.....	Paris, France.
C. H. R. Gosset.....	Quebec, P. Q.
Henry Porter.....	Montreal, P. Q.
Robert Alsop.....	" "
Adolphus Davis.....	" "
Charles Carty.....	Richmond, P. Q.
Dr. Murphy.....	Montreal, P. Q.
J. Livesey.....	Halifax.
William Boa.....	Montreal, P. Q.
Thomas R. Johnson.....	" "
Alden V. Brown.....	Sweetsburg, P. Q.
Benjamin Irvin.....	New York City.
Levi Liscome.....	Boston, Mass.
William Power.....	Montreal, P. Q.
Christian Peterson.....	" "
David Roberge.....	" "
John Lough.....	Buckingham, P. Q.
Messrs. R. J. Lusk & Co.....	" "
William D. McLaren.....	Montreal, P. Q.
Samuel S. Hall.....	" "
Charles Allen.....	Waterloo, P. Q.
William Shelly.....	Montreal, P. Q.
George Workman.....	Mount Pleasant, Ont.
Charles Furber.....	Montreal, P. Q.
Alfred John Kelley.....	Bowmanville.
John S. Fry, Esq.....	Quebec.
Otto Engholm.....	Montreal, P. Q.
F. A. Thain.....	" "
R. F. Fairlie, C. E.....	" "
Thos. M. Page.....	" "
Dr. La Rue.....	Quebec.
Thomas Macfarlane.....	Acton Vale, P. Q.
William Maynard.....	Montreal, P. Q.
Honourable Henry Aylmer.....	Melbourne, P. Q.
Messrs. Lambe & Sterry.....	London, England.
John Foster, C. E.....	Montreal, P. Q.
B. S. Curry.....	" "



NAMES.	RESIDENCES.
Samuel Golay.....	Nigon, Switzerland.
George Chaffey.....	Kingston, Ont.
John C. Telfer.....	Montreal, P. Q.
T. M. Bryson.....	" "
Benjamin Irvine.....	New York City.
C. G. C. Simpson, M. E.....	Montreal, P. Q.
Thomas W. Emery.....	" "
Willoughby Clark.....	" "
Duncan McEachran, V. S.....	" "
Moïse Trudeau.....	" "
Robert Young.....	Glasgow, Scotland.
Charles E. Patrick.....	Macedon, N. Y.
Joseph Sissons.....	Montreal, P. Q.
Richard Warmington.....	" "
Charles Allen.....	Woodstock, Ont.
Edward Beans.....	Madenhead, England.
John McGill.....	Boston, Mass.
Lyman & Gouch.....	Yonkers, N. Y.
William Webster.....	Montreal, P. Q.
Frederick Lambe.....	London, Ont.
John R. Anderson.....	Brooklyn, N. Y.
James Fortune Case.....	L'Orignal, Ont.
Joseph Woodley.....	Quebec.
Charles Allen.....	Waterloo, P. Q.
Wm. Muir.....	Montreal, P. Q.
Fred. J. Gooding, M. E.....	" "
John Wm. Wright.....	" "
Richard Eaton, G. T. R.....	" "
G. A. Masson.....	Charlottenburg, Ont.
Benjamin R. Deacon.....	Montreal, P. Q.
Count Pokorny.....	Poland.
Thomas Walsh, M. E.....	Montreal, P. Q.
Messrs Gould & Hill.....	" "
J. B. Wills.....	" "
T. C. Parkins.....	Farnham.
Messrs. Ferrier, Mooney & Wells.....	Montreal, P. Q.
William Wilson.....	" "
Alexander P. Ross.....	Pictou, N. S.
E. A. Brimson.....	Montreal, P. Q.
W. W. Mason.....	Cartright, Ont.
A. G. Grey.....	St. John, N. B.
Charles A. Gregory.....	Quebec.
R. E. Stephens.....	Owen Sound, Ont.
Paul Ceredo.....	Montreal, P. Q.
R. G. Leckie.....	" "
T. Ferguson Miller.....	" "
W. O. Buchanan.....	" "

We also give the following gentlemen as references :

HON. JOHN YOUNG, President Board of Trade, Montreal.

T. B. ANDERSON, Esq., President Bank of Montreal, Montreal.

THE HON. THE MINISTER OF AGRICULTURE AND PATENT OFFICE,  
Ottawa.

J. C. TACHE, Esq., M.D., Deputy to the Minister of Agriculture and Patent  
Office, Ottawa.

LIEUT. COL. BARNARD, A.D.C., Deputy Minister of Justice, and Examiner  
of Patents, Crown Law Department, Ottawa.

LIEUT.-COL IRVINE, A.D.C. to His Excellency the Governor General,  
Ottawa.

WALTER SHANLY, Esq., C. E., Montreal.

R. J. REEKIE, Esq., Montreal.

G. D. FERGUSON Esq., Bank of Montreal, FERGUS, P. O.

J. D. HALL, Esq., Chicago, U. S.

S. S. BOWERS, Esq., M. D., Fond du Lac, Wis., U. S.

S. P. TILTON, Milwaukie, Ill., U. S.

J. B. FRANCIS, Esq., C. E., Lowell, Mass., U. S.

J. H. JOHNSON, Esq., 47 Lincoln's Inn Fields, London, England.

H. BONNEVILLE, Esq., 24 Rue du Mont Thabor, Paris, France.

GEORGE LINCOLN & CO., Boston, Mass., U. S.

# DOMINION OF CANADA

# PATENT LAW OF 1869.

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An Act respecting Patents of Invention.

**H**ER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

## PATENT OFFICE CONSTITUTED.

1. There shall be attached to the Department of Agriculture, as a branch thereof, an Office to be named The Patent Office; and the Minister of Agriculture for the time being shall be the Commissioner of Patents of Invention ; and it shall be the duty of the said Commissioner to receive all applications, fees, papers, documents and models for patents and to perform such acts and things respecting the granting and issuing of patents for new and useful inventions, discoveries, and improvements as are herein provided for ; and he shall have the charge and custody of the books, records, papers, models, machines, and other things belonging to the said Office.

2. The Commissioner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith letters patent and other instruments and copies proceeding from the Patent Office ; and all Courts, Judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the said Office to be copies of or extracts from documents deposited in such office.

3. The Commissioner may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act, and notice thereof shall be given in the *Canada Gazette* ; and all documents executed after the same and accepted by the Commissioner, shall be held valid so far as relating to proceedings in the Patent Office.

4. The Deputy of the Minister of Agriculture shall be the Deputy Commissioner of Patents of Invention ; and the Governor may, from time to time, appoint such clerks and officers under him as may be necessary for the purpose of this Act, and such clerks and officers shall hold office during pleasure.

5. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall from time to time and at least once in a year, publish in the *Canada Gazette* a list of Patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as may be deemed of interest, or essential parts thereof, to be printed from time to time for distribution or sale.

#### WHO MAY OBTAIN PATENTS.

6. Any person having been a resident of Canada for at least one year next before his application, and having invented or discovered any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used by others before his invention or discovery thereof, or not being at the time of his application for a patent in public use or on sale in any of the Provinces of the Dominion with the consent or allowance of the inventor or discoverer thereof, may on a petition to that effect presented to the Commissioner and on compliance with the other requirements of this Act, obtain a Patent granting to such person an exclusive property therein; and the said Patent shall be under the seal of the Patent Office and the signature of the Commissioner, or the signature of another member of the Privy Council, and shall be good and valid to the grantee, his heirs, assigns or other legal representatives, for the period mentioned in such Patent; but no Patent shall issue for an invention or discovery having an illicit object in view nor for any mere scientific principle or abstract theorem.

7. An original and true inventor or discoverer shall not be deprived of the right to a Patent for his invention or discovery by reason of his having, previously to his application, taken out a Patent therefor in any other country, at any time within six months next preceding the filing of his specification and drawing as required by this Act.

8. The Patent may be granted to any person to whom the inventor or discoverer entitled under the sixth section to obtain a Patent has assigned or bequeathed the right of obtaining the same, and the exclusive property in the invention or discovery in Canada, or in default of such assignment or bequest, to the executor or administrator of the deceased inventor or discoverer, or other legal representative.

9. Any person, having been a resident of Canada, for at least one year next before his application, and who has invented or discovered any improvement on any Patented invention or discovery, may obtain a Patent for such improvement, but shall not thereby obtain the right of vending or using the original invention or discovery, nor shall the Patent for the original invention or discovery confer the right of vending or using the patented improvement.

10. In cases of joint applications, the Patent shall be granted in the names of all the applicants; and in such cases, any assignment from one of the said applicants or patentees to the other shall be registered in the manner of other assignments.



## CONDITIONS AND FORMALITIES.

11. Every applicant for a Patent, before he can obtain the same, shall make oath, or when entitled by law to make an affirmation instead of an oath, shall make an affirmation that he verily believes that he is, or that the person whose assignee or representative he is, is or was the true inventor or discoverer of the invention or discovery for which the Patent is solicited, and that he, or the person whose assignee or representative he is, was a resident of Canada for one year next before the application, or, in case of death of the inventor or discoverer, for one year next before such death. Such oath or affirmation may be made before any Justice of the Peace, in Canada; but if the applicant is not at the time in Canada, the oath or affirmation may be made before any Minister Plenipotentiary, *charge d'affaires*, consul or consular agent, holding commission under the Government of the United Kingdom, or any Judge of the Country in which the applicant happens at the time to be.

12. The Petitioner for a Patent shall for all the purposes of this Act elect his domicile at some known and specified place in Canada, and mention the same in his Petition for a Patent, and he shall in the same petition state the place or places in Canada at which he, or if his application be as assignee or representative, the person whose assignee or representative he is, was resident during the year of residence required by this Act, and the period of residence at each such place.

13. The applicant shall in his petition for a Patent insert the title or name of his invention or discovery, its object and a short description of the same, and shall distinctly allege all the facts which are necessary under this Act to entitle him to a Patent therefor, and shall with the petition, send in a written specification, in duplicate, of his invention or discovery, describing the same in such full, clear and exact terms, as to distinguish it from all contrivances or processes for similar purposes.

14. The specification shall correctly and fully describe the mode or modes of operating contemplated by the applicant,—and shall state clearly and distinctly the contrivances and things which he claims as new and for the use of which he claims an exclusive property and privilege;—it shall bear the name of the place where it is made, the date, and be signed by the applicant and two witnesses; in the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same; in the case of a machine or in any other case where the invention or discovery admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate showing clearly all parts of the invention or discovery, and each drawing shall bear the name of the inventor or discoverer and shall have written references corresponding with the specification, and a certificate of the applicant that it is the drawing referred to in the specification; but the Commissioner may require any greater number of drawings than those above mentioned, or dispense with any of them, as he may see fit; one duplicate of the specification and of the drawings, if any drawings, shall be annexed to the Patent, of which it forms an essential part, and the other duplicate shall remain deposited in the Patent Office.

15. The applicant shall also deliver to the Commissioner, unless specially dispensed from so doing for some good reason, a neat working model of his invention or discovery on a convenient scale, exhibiting its several parts in due proportion, whenever the invention or discovery admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of matter sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter; provided such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they are to be furnished only when specially required by the Commissioner, and then with such precautions as shall be prescribed in the said requisition.

#### CONTENTS, DURATION, SURRENDER, RE-ISSUE OF PATENTS AND DISCLAIMERS.

16. Every Patent granted under this Act shall recite briefly the substance of the petition on which it is granted, and shall contain the title or name of the invention or discovery and a short description of the same, referring for a fuller detail to the specification,—and shall grant to the Patentee, his assigns and legal representatives, or in trust as the case may be, for the period therein mentioned from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention or discovery,—and shall contain a condition that it is nevertheless subject to adjudication before any Court of competent jurisdiction.

17. Patents of invention or discovery issued by the Patent Office shall be valid for a period of five years; but at or before the expiration of the said five years, the holder thereof may obtain an extension of the Patent for another period of five years, and after those second five years may again obtain further extension for another period of five years; and the instrument delivered by the Patent Office for such extension of time shall be in the form which may be from time to time adopted, and shall be made in duplicate, one duplicate to remain of record and be duly registered, and the other to be attached, with reference, to the Patent, under the seal of the Patent Office, and signature of the Commissioner, or any other Privy Councillor in case of absence of the Commissioner.

18. Every such patent, and every instrument for granting a further extension of any Patent shall, before it is signed by the Commissioner or any other member of the Privy Council and before the seal hereinbefore mentioned is affixed to it, be examined by the Minister of Justice, who if he finds it conformable to law, shall certify accordingly, and such Patent or instrument may then be signed and the seal affixed thereto, and being duly registered, shall avail to the grantee thereof and be delivered to him.

19. Whenever any Patent shall be deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent and the payment of the

further fee hereinafter provided, cause a new patent in accordance with an amended description and specification to be made by such patentee, to be issued to him for the same invention or discovery, for any part or the whole of the then unexpired residue of the five years period for which the original patent was or might have been, as hereinbefore directed, granted;—In case of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or legal representative: The new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

20. Similarly, whenever by any mistake, accident or inadvertence and without any wilful intent to defraud or mislead the public a Patentee has made his specification too broad, claiming more than that of which he or the party through whom he claims was the first inventor or discoverer, or has in the specification claimed that he or the party through whom he claims was the first inventor or discoverer of any material or substantial part of the invention or discovery patented of which he was not the first inventor or discoverer, and had no legal right thereto;—the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he shall not claim to hold by virtue of the patent or the assignment thereof;—such disclaimer shall be in writing, and in duplicate, and attested in the manner hereinbefore prescribed for a patent, one copy to be filed and recorded in the office of the Commissioner, the other copy to be attached to the Patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification. Such disclaimer shall not effect any action pending at the time of its being made, except in so far as may relate to the question of unreasonable neglect or delay in making it. In case of the death of the original Patentee or of his having assigned the Patent, a like right shall vest in his assigns or legal representatives respectively, any of whom may make disclaimer. The Patent shall thereafter be deemed good and valid for so much of the invention or discovery as is truly the disclaimant's own, and not disclaimed, provided it be a material and substantial part of the invention or discovery, and definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain a suit for such part accordingly.

#### ASSIGNMENT AND INFRINGEMENT OF PATENTS.

21. The Government of Canada may always use any patented invention or discovery, paying to the patentee such sum as the Commissioner may report to be a reasonable compensation for the use thereof.

22. Every Patent for an invention or discovery whensoever issued shall be assignable in law either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment, and also every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention or discovery patented within and throughout the Dominion of Canada, or within and



throughout any one or more of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of any of such Provinces or of the Dominion, shall be registered in the office of the Commissioner; and every assignment affecting a Patent for invention or discovery shall be deemed null and void against any subsequent assignee, unless such instrument is registered as hereinbefore prescribed, before the registering of the instrument under which such subsequent assignee may claim.

23. Every person who without the consent in writing of the Patentee makes, constructs or puts in practice any invention or discovery for which a Patent has been obtained under this Act or procures such invention or discovery from any person not authorized to make or use it by the Patentee, and uses it, shall be liable to the Patentee in an action of damages for so doing;—and the judgment shall be enforced, and the damages, and costs as may be adjudged, shall be recovered in like manner as in other cases in the Court in which the action is brought.

24. An action for the infringement of a Patent may be brought before any Court of Record having jurisdiction to the amount of damages asked for and having its sittings within the Province in which the infringement is said to have taken place, and being at the same time, of the Courts of such jurisdiction within such Province, the one of which the place of holding is nearest to the place of residence or of business of the defendant; and such Court shall decide the case and determine as to costs. In any action for the infringement of a Patent, the Court if sitting, or any Judge thereof in Chambers if the Court be not sitting, may on the application of the plaintiff or defendant respectively make such order for an injunction, restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of disobedience to such order; or for inspection or account, and respecting the same and the proceedings in the action, as the Court or Judge may see fit; but from such order an appeal shall lie under the same circumstances and to the same Court, as from other judgments or orders of the Court in which the order was made.

25. Whenever the plaintiff fails to sustain his action, because his specification and claim embrace more than that of which he was the first inventor or discoverer, and it appears that the defendant used or infringed any part of the invention or discovery justly and truly specified and claimed as new, the Court may discriminate, and the judgment may be rendered accordingly.

26. The defendant in any such action may specially plead as matter of defence any fact or default which by this Act or by law would render the Patent void; and the Court shall take cognizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly.

#### NULLITY, IMPEACHMENT AND VOIDANCE OF PATENTS.

27. A Patent shall be void, if any material allegation in the petition or declaration of the applicant be untrue, or if the specification and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, such omission or addition being wilfully made for the purpose of misleading; but if it shall appear to the Court that



such omission or addition is simply an involuntary error, and it is proved that the Patentee is entitled to the remainder of his Patent *pro tanto*, the Court shall render a judgment in accordance with the facts, and determine as to costs, and the Patent shall be held valid for such part of the invention described, and two office copies of such judgment shall be furnished to the Patent Office by the Patentee, one to be registered and to remain of record in the Office, and the other to be attached to the Patent and made a part of it by a reference.

28. Every Patent granted under this Act shall be subject and expressed to be subject to the condition that such Patent and all the rights and privileges thereby granted shall cease and determine and the Patent shall be null and void, at the end of three years from the date thereof, unless the Patentee shall within that period, have commenced and shall after such commencement carry on in Canada the construction or manufacture of the invention or discovery patented in such manner that any person desiring to use it may obtain it or cause it to be made for him at a reasonable price at some manufactory or establishment for making or constructing it in Canada, and that such patent shall be void if after the expiration of eighteen months from the granting thereof the patentee or his assignee or assignees for the whole or a part of his interest in the Patent imports or causes to be imported into Canada, the invention or discovery for which the Patent is granted.

29. Any person desiring to impeach any Patent issued under this Act, may obtain a sealed and certified copy of the Patent and of the petition, declaration, drawings and specification thereunto relating, and may have the same filed in the Office of the Prothonotary or Clerk of the Superior Court for the Province of Quebec, or of the Court of Queen's Bench or Common Pleas for the Province of Ontario, or of the Supreme Court in the Province of Nova Scotia, or of the Court of Queen's Bench in the Province of New Brunswick, according to the domicile elected by the Patentee as aforesaid: which Courts shall adjudicate on the matter and decide as to costs. The Patent and documents aforesaid shall then be held as of record in such Court, so that a Writ of *Scire Facias* under the Seal of the Court grounded upon such record may issue for the repeal of the Patent, for legal cause as aforesaid, if upon proceedings had upon the Writ in accordance with the meaning of this Act the Patent be adjudged to be void.

30. A certificate of the judgment voiding any Patent shall, at the request of any person or party filing it to be of record in the Patent Office, be entered on the margin of the enrolment of the Patent in the Office of the Commissioner, and the Patent shall thereupon be and be held to have been void and of no effect, unless and until the judgment be reversed on appeal as hereinafter provided.

31. The judgment declaring any Patent void shall be subject to appeal to any Court of Appeal having appellate jurisdiction in other cases over the Court by which the same was rendered.

#### PATENTS ISSUED UNDER FORMER LAWS.

32. All Patents issued under any Act of the Legislature of the late Province of Canada, or of Nova Scotia or of New Brunswick, and all

Patents issued for the Provinces of Ontario and Quebec under the Act of the late Province of Canada, to the date of the coming into operation of the present Act, shall remain in force for the same term, and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject to the provisions of this Act in so far as applicable to them.

2. And it shall be lawful for the Commissioner, upon the application of the Patentee named in any such Patent, being the inventor or discoverer of the subject matter of the patent and a British subject, or a resident in any Province of Canada for upwards of a year, if the subject matter of the patent has not been known or used, nor with the consent of the patentee on sale in any of the other Provinces of the Dominion, to issue on payment of the proper fees in that behalf a patent under this Act extending such Provincial patent over the whole of the Dominion, subject to the provisions of the seventeenth section; but no patent so issued shall extend beyond the remainder of the term mentioned in the Provincial Patent.

33. All the records of the Patent Offices of the late Province of Canada, and of the Provinces of Ontario and Quebec, of Nova Scotia and New Brunswick, shall be handed over by the officers in charge of them to the Commissioner of Patents of invention or discovery, to form part of the records of the Patent Office for the purposes of this Act.

#### TARIFF OF FEES.

34. The following fees shall be payable, to the Commissioner, before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say:

On petition for a Patent for 5 years.....	\$20.00
On petition for extension from 5 to 10 years.....	20.00
On petition for extension from 10 to 15 years.....	20.00
On lodging a Caveat.....	5.00
On asking to register a judgment <i>pro tanto</i> .....	4.00
On asking to register an assignment.....	2.00
On asking to attach a Disclaimer to a patent.....	4.00
On asking for a copy of Patent with specification .....	4.00
On petition to re-issue a Patent after surrender, and on petition to extend a former patent to the Dominion, the fee shall be at the rate of.....	4.00
for every unexpired year of duration of such Patent	

On office copies of Documents, not above mentioned, the following charges shall be exacted;

For every single or first folio of certified copy. ....	\$0.50
For every subsequent hundred words, (fractions from and under fifty being not counted, and over fifty being counted for one hundred) .....	0.25

35. For every copy of drawings, the party applying shall pay such sum as the Commissioner considers a fair remuneration for time and labour expended thereon by an officer of the Department or person employed to perform such service.

36. The said fees shall be in full of all services performed under this Act in any such case by the Commissioner or any person employed in the Patent Office.

37. All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada, except such sums as may be paid for copies of drawings when made by persons not receiving salaries in the Patent Office.

38. No fee shall be made the subject of exemption in favour of any person, and no fee, once paid, shall be returned to the person who paid it, except:

1. When the invention is not susceptible of being patented;

2. When the petition for a patent is withdrawn;

And in every such case the Commissioner may return one-half of the fee paid;

And in the case of withdrawal, a fresh application shall be necessary to revive the claim, as if no proceeding had taken place in the matter.

#### MISCELLANEOUS PROVISIONS.

39. An intending applicant for a Patent who has not yet perfected his invention or discovery and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention or discovery so far, with or without plans, at his own will; and the Commissioner, on reception of the fee hereinbefore prescribed, shall cause the said document to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said party or by any judicial tribunal—the secrecy of the document to cease when he obtains a Patent for his invention or discovery; and such document shall be called a *caveat*. Provided always that if application shall be made by any other person for a Patent for any invention or discovery with which such *caveat* may in any respect interfere, it shall be the duty of the Commissioner forthwith to give notice by mail to the person who has filed such *caveat*, and such person shall within three months after the date of mailing the notice, if he would avail himself of the *caveat*, file his petition and take the other steps necessary on an application for patent, and if, in the opinion of the Commissioner, the applications are interfering, like proceedings may be had in all respects as are by this Act provided in the case of interfering applications. Provided further that unless the person filing any *caveat*, shall within four years from the filing thereof have made application for a patent, the *caveat* shall be void.

40. The Commissioner may object to grant a Patent in the following cases:

1. When he is of opinion that the alleged invention or discovery is not patentable in law;

2. When it appears that the invention or discovery is already in the possession of the public with the consent or allowance of the inventor;

3. When it appears that the invention or discovery has been described in a book or other printed publication before the date of the application or otherwise in the possession of the public;

4. When it appears that the invention or discovery has already been patented, except, however, when the case is one within the seventh section of this Act or one in which the Commissioner has doubts as to whether the patentee or the applicant is the first inventor or discoverer.

41. Whenever the Commissioner objects to grant a Patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner.

42. Every applicant who has failed to obtain a Patent by reason of the objection of the Commissioner as aforesaid, may at any time within six months after notice thereof has been addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council.

43. In cases of interfering applications for any Patent, the same shall be submitted to the arbitration of three skilled persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the Commissioner, or by his Deputy or the person appointed to perform the duty of that office;—And the decision or award of such Arbitrators, or any two of them, delivered to the Commissioner in writing, and subscribed by them, or any two of them, shall be final as far as respects the granting of the Patent;

2. If either of the applicants refuses or fails to choose an Arbitrator when required so to do by the Commissioner, the Patent shall issue to the opposite party;—And when there are more than two interfering applicants, and the parties applying do not all unite in appointing three Arbitrators, the Commissioner or his Deputy, or person appointed to perform the duty of that office, may appoint the three Arbitrators for the purposes aforesaid.

44. All specifications, drawings, models, disclaimers judgments and other papers, except *caveats*, shall be open to the inspection of the public at the Patent Office, under such regulations as may be adopted in that behalf.

45. Clerical errors happening in the framing or copying of any instrument of the Patent Office, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.

46. In case any Letters Patent shall be destroyed or lost, others of the like tenor, date and effect may be issued in lieu thereof, on the party paying the fees hereinbefore prescribed for office copies of documents.

47. No Letters Patent shall extend to prevent the use of any invention or discovery in any foreign ship or vessel, where such invention or discovery is not so used for the manufacture of any goods to be vended within or exported from Canada.

48. Every person who before the issuing of a patent has purchased, constructed or acquired any invention or discovery for which a Patent has been obtained under this Act, shall have the right of using and vending to others, the specific art, machine, manufacture or composition of matter patented, so purchased, constructed or acquired before the issue of the Patent therefor, without being liable to the Patentee or his representatives for so doing; but the Patent shall not be held invalid as



regards other persons by reason of such purchase, construction or acquisition or use of the invention or discovery by the person first aforesaid, or by those to whom he may have sold the same, unless the same was purchased, constructed or acquired or used for a longer period than one year before the application for a patent therefor.

49. Every patentee under this Act, shall stamp, or engrave on each patented article sold or offered for sale by him, the year of the date of the Patent applying to such article, thus: "Patented 1869,"—or as the case may be; and any such patentee selling or offering for sale any such Patented article not so marked, shall be liable to the punishment of a fine not to exceed one hundred dollars, and, in default of the payment of such fine, to imprisonment not to exceed two months.

50. Whosoever writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything made or sold by him, and for the sole making or selling of which he is not the Patentee, the name or any imitation of the name of any Patentee for the sole making or selling of such thing without the consent of such Patentee—or without the consent of the Patentee writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon anything not purchased from the Patentee, the words, "Patent," "Letters Patent," "Queen's Patent," "Patented," or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the Patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent of the Patentee,—shall be deemed to have committed a misdemeanour, and shall on conviction be punished therefor by fine, or by imprisonment, or both, in the discretion of the Court before which the conviction shall be had; but the fine shall not exceed two hundred dollars, nor shall the imprisonment exceed three months.

51. Any person wilfully making or causing to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who shall produce or tender any such false or altered document knowing the same to be such, shall be guilty of a misdemeanour and shall be punished by fine and imprisonment accordingly.

52. Chapter thirty-four of the Consolidated Statutes of the late Province of Canada, respecting Patents for inventions,—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia, (third series),—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick,—and any Act amending any of the said Chapters, or any other Act, are hereby repealed, in so far as they or any of them may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said laws or any of them, before the coming into force of this Act.

53. When citing this Act it shall be sufficient to call it "The Patent Act of 1869."

54. This Act shall commence and take effect on the first day of July, 1869.



An Act respecting Trade Marks and Industrial Designs.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. The Minister of Agriculture shall cause to be kept in his office books to be denominated respectively the "Trade Mark Register," and "The Register of Industrial Designs," in which any proprietor of a Trade Mark or of a Design may have the same registered by depositing with the said Minister a drawing and description in duplicate of such Trade Mark or Design, together with a declaration that the same was not in use to his knowledge by any other person than himself at the time of his adoption thereof; and the said Minister of Agriculture, on receipt of the fee hereinafter provided, shall cause the said Trade Mark or Design to be examined; to ascertain whether it resembles any other Trade Mark or Design already registered; and if he find that such Trade Mark or Design is not identical with or does not so closely resemble as to be confounded with any other Trade Mark or Design already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with a certificate signed by the Minister or his Deputy to the effect that the said Trade Mark or Design has been duly registered in accordance with the provisions of this Act; and there shall be further stated in such certificate the day, month and year of the entry thereof, in the proper Register; and every such certificate shall be received in all Courts of Law or of Equity in Canada, as evidence of the facts therein alleged, without proof of the signature.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations, and adopt forms for the purposes of this Act, and such rules, regulations and forms circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all documents executed according to the same and accepted by the Minister of Agriculture shall be held valid so far as relates to the official proceedings under this Act.

TRADE MARKS.

3. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices, which may be adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known

as Trade Marks, and may be registered for the exclusive use of the party registering the same in the manner hereinafter provided; and thereafter he shall have the exclusive right to use the same, to designate articles manufactured or sold by him, and for the purposes of this Act, timber and lumber of any kind upon which labor has been expended by any person in his trade, business, occupation or calling shall be deemed a manufacture, product or article.

4. Any person having registered a Trade Mark may petition for the cancellation of the same, and the Minister of Agriculture may cause, on receiving such petition, the said Trade Mark to be so cancelled; and the same shall after such cancellation be considered as if it had never been registered under the name of the said party.

5. Every Trade Mark registered in the office of the Minister of Agriculture shall be assignable in law, and on the assignment being produced and the fee hereinafter provided being paid, the Minister of Agriculture shall cause the name of the assignee, with the date of the assignment and such other details as he may see fit, to be entered on the margin of the Register of Trade Marks on the folio where such Trade Mark is registered.

6. If any person shall make application to register, as his own, any Trade Mark, which has been already registered, the Minister of Agriculture shall cause all parties interested therein to be notified to appear, in person or by Attorney, before him, with their witnesses, for the purpose of establishing which is the rightful owner of such Trade Mark, and after having heard the parties and their witnesses, the said Minister shall order such entry or cancellation, or both, to be made as he shall deem just; in the absence of the said Minister, his Deputy may hear and determine the case and make such entry or cancellation or both, as to right and justice may appertain, and, similarly, any error in Registering Trade Marks or any oversight about conflicting registrations of Trade Marks may be settled in the same manner.

7. If any person, other than the party who has registered the same, shall mark any goods or any article of any description whatever with any Trade Mark registered under the provisions of this Act, or with any part of such Trade Mark, whether by applying such Trade Mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such Trade Mark, or shall knowingly sell or offer for sale any article marked with such Trade Mark, or with any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such Trade Mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such Trade Mark, together with the costs incurred in enforcing and recovering the same; Provided, always, that every complaint under this section shall be made by the proprietor of such Trade Mark, or by some one acting on his behalf and duly authorised thereto.

8. If any person shall knowingly and wilfully register as his own any

Trade Mark the property of a person not resident in Canada, he shall be guilty of a misdemeanor, and shall be subject and liable to the penalty mentioned in the preceding section ; And the entry of every such Trade Mark in the Trade Marks Register, shall be cancelled on receipt of a certificate signed by the Clerk of the Court, or the Justices of the Peace before whom the conviction was had, of any such conviction ; and one-half of every such penalty shall be paid to the party prosecuting, and the other half to the Crown.

9. If any person shall counterfeit or use the Trade Mark of any person, not resident in Canada, with intent to deceive the public and lead to the belief that the articles or package so marked were manufactured or put up by the owner of such Trade Mark, although the same is not registered in Canada, he shall on conviction thereof, forfeit a sum of not less than ten dollars nor more than fifty dollars for each offence, with costs, one-half of which penalty shall be paid to the complainant and the other half to the Crown.

10. Complaints under either of the two next preceding sections may be brought by any party or person whatever, and the penalties mentioned in the three next preceding sections shall be enforced and recovered in the same manner, and subject to the same provisions as are provided in the sections of this Act respecting the registration and protection of designs.

11. The use of any Trade Mark either identical with that of any manufacturer, producer, packer, or vender, or so closely resembling it as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of such Trade Mark.

12. Notwithstanding anything in the preceding sections contained, a suit may be maintained by any proprietor of a Trade Mark against any person using his registered Trade Mark, or any fraudulent imitation thereof, or selling articles bearing such Trade Mark, or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

#### REGISTRATION OF DESIGNS.

13. The Copyright acquired for an industrial design by the Registration of the same as aforesaid shall be valid for the term of five years.

14. Every design to be protected must be registered before publication ; and, after Registration, the name of the proprietor, who must be a resident of Canada, shall appear upon the article to which his design applies ; if the manufacture be a woven fabric, by printing upon one end, if another substance, at the edge or upon any convenient parts, the letters Rd., with the mention of the year of the Registration ; the mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label containing the proper marks.

15. The author of the design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration, in which case such other person shall be considered the proprietor, and shall alone be entitled to register it ; but his right to the property shall only be co-extensive with the right which he may have acquired.

16. Every design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which assignment shall be recorded in the office of the Minister of Agriculture, on payment of the fees hereinafter provided; And every proprietor of a design may grant and convey an exclusive right, under any copyright, to make, use and vend, and to grant to others to make use and vend such design within and throughout Canada or any part thereof, for the unexpired term thereof or any part thereof; which exclusive grant and conveyance shall be called a license, and shall be recorded in the same manner and within the same delay as assignments.

17. During the existence of the right (whether it be of the entire or partial use of such design,) no person shall, without the license in writing of the registered proprietor, apply such design, or a fraudulent imitation thereof to the ornamenting of any article of manufacture, &c., for the purposes of sale, or publish, sell or expose for sale or use any article of manufacture, &c., to which such design, or fraudulent imitation thereof shall have been applied, under penalty of not less than twenty dollars, and not exceeding one hundred and twenty dollars, to the proprietor of the design, and costs—to be recovered by the registered proprietor, or his assignee, by suit in any Court, having jurisdiction in suits of a like amount.

18. Every person placing the words "registered," or the letters "Rd.," upon any unregistered article, or upon any article the copyright of which has run out, or advertising the same for sale as a registered article, or unlawfully selling, publishing, or exposing for sale such article, knowing the same to have been fraudulently stamped or that the copyright thereof has expired, shall forfeit for every offence a sum not less than four dollars and not exceeding thirty dollars, to be recovered in the same manner as penalties under the next preceding section, and that by any person whatever, who shall receive one half the amount of the said last mentioned penalty, on the recovery of the amount which the offender may have been condemned to pay.

19. A suit may be maintained by the proprietor of any design for the damages he has sustained by the application or imitation of the design, for the purpose of sale, against any person so offending, he (the offender) knowing that the proprietor of the design had not given his consent to such application.

20. If any person, not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may institute an action in the Superior Court in the Province of Quebec, in the Court of Queen's Bench in the Province of Ontario, and in the Supreme Court in the Provinces of Nova Scotia or New Brunswick as the case may be, and the Court having cognizance of such suit may, if it appear that the design has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the register, with costs in its discretion, and on application by the Plaintiff supported by affidavit, it shall be lawful for any such Court, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such Court.



21. The Minister of Agriculture, after due service of such order and payment of the fee hereinafter provided, shall cause such alteration to be made in the Register as shall in said order be directed.

22. All proceedings, under the preceding sections of this Act, shall be brought within twelve months from the commission of the offence, and not after; nor shall any of the clauses of this Act apply to protect any design which does not belong to a person resident within Canada and is not applied to a subject matter manufactured in Canada.

23. On the copy returned to the person registering, a certificate shall be given, signed by the Minister or by his Deputy, that the Design has been registered, the date of registration, the name of the registered proprietor, his address, the number of such design, and the number or letter employed to denote or correspond with the registration, which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the proprietor, of the registration of the commencement and period of registry, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of this Act; and generally the writing so signed shall be received as evidence of the facts therein stated, without proof of the signature.

#### GENERAL PROVISIONS.

24. Any person may be allowed to inspect the Register of Trade Marks and the Register of Industrial Designs; and the Minister may cause copies or representations of Trade Marks or Industrial Designs to be delivered, on the applicant for the same paying the fee which shall be deemed sufficient for the purpose of having the same copied or represented.

25. The Minister of Agriculture shall have power to refuse to register such designs as do not appear to him to be within the provisions of this Act, or when the design is contrary to public morality or order, subject, however, to appeal to the Governor in Council.

26. The Minister of Agriculture shall, from time to time, cause to be published in the *Canada Gazette* the titles of the designs registered and the names and places of abode of the registered proprietors.

27. Clerical errors happening in the drawing up or copying of any instrument, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

28. The following fees shall be payable, to wit:

On every application to register a design or Trade Mark,  
including certificate..... \$5.00

For each certificate of registration not already provided for 1.00

For each copy of any drawing, the reasonable expenses of preparing the same.

For recording any assignment. .... 2.00

For office copies of Documents or entries, not above mentioned, the following charges shall be exacted:

For every single or first folio..... \$0.50



For every subsequent hundred words, (fractions from and under fifty being not counted, and over fifty being counted for one hundred)..... 0.25

All of which fees shall be paid over by the Minister of Agriculture to the Receiver General of Canada.

29. The Act twenty-fourth Victoria, chapter twenty-first of the Statutes of the late Province of Canada, and the thirtieth Victoria, chapter thirty-first of the Province of New Brunswick, and all other Acts or parts of Acts inconsistent with the present Act are hereby repealed as to any further registration or the granting of any new exclusive right under the provisions thereof; but all rights heretofore acquired by virtue of such provisions shall remain good and valid and assignable in law, and all penalties and forfeitures incurred or to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed, and entries and registrations under the said Acts respectively may be cancelled, as if the said Acts and parts of Acts had not been repealed.

30. For all the purpose of the Act of Canada cited in the next preceding section of this Act, so far as the same remains in force after the passing of this Act, the Deputy of the Minister of Agriculture shall be and is hereby substituted for the Secretary of the Board of Registration and Statistics mentioned in the said Act, and shall have all the powers and duties of these officers.

31. In citing this Act it shall be sufficient to call it "The Trade Mark and Design Act of 1868."

### An Act respecting Copyrights.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :

1. The Minister of Agriculture shall cause to be kept in his Office, a book to be called the "Register of Copyrights" in which proprietors of literary, scientific, and artistical works or compositions, may have the same registered in accordance with the provisions of this Act.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act ; such regulations and forms being circulated in print for the use of the public shall be deemed to be correct for the purposes of this Act, and all documents, executed according to the same and accepted by the said Minister of Agriculture, shall be held valid so far as relates to all official proceedings under this Act.

3. Any person resident in Canada or any person being a British subject, and resident in Great Britain or Ireland, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statuary, sculpture or photograph, or who invents, designs, etches, engraves or causes to be engraved, etched or made from his own design, any print or engraving, and the legal representatives of such persons, shall have the sole right and liberty of printing, reprinting, publishing, reproducing and vending such literary, scientific or artistical works or compositions in whole or in part, and of allowing translations to be made of such literary works from one language into other languages, for the term of twenty-eight years, from the time of recording the title thereof in the manner hereinafter directed ; but no immoral or licentious, treasonable or seditious book or any other such literary, scientific or artistical work or composition shall be the subject of such registration or Copyright.

4. If at the expiration of the aforesaid term, such author, or any of the authors, where the work has been originally composed and made by more than one person, be still living, and residing in Canada or in Great Britain or Ireland, or being dead, has left a widow or a child, or children living, the same exclusive right shall be continued to such author, or if dead, then to such widow and child or children, ( as the case may be ) for the further time of fourteen-years ; but in such case within one year after the expiration of the first term, the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original Copyrights shall be complied with in respect to such renewed Copyrights.

5. In all cases of renewal of Copyright under this Act, the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the *Canada Gazette*.

6. No person shall be entitled to the benefit of this Act, unless he has deposited in the Office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary and sculptures, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the same to be recorded forthwith in a book to be kept for that purpose, in the manner prescribed by the rules and forms which may be made, from time to time, as herebefore provided, for which record the person claiming such right as aforesaid, shall pay into the hands of the Minister of Agriculture one dollar, and the like sum for every copy actually given to such person or his legal representatives, and the sums so paid shall be paid over to the Receiver General to form part of the Consolidated Revenue of Canada.

7. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

8. No Person shall be entitled to the benefit of this Act, unless he gives information of the Copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music or engravings, upon the title or frontispiece thereof, the following words, that is to say; "Entered according to Act of Parliament of Canada, "in the year \_\_\_\_\_ by A. B., in, "the Office of the Minister of Agriculture." But as regards paintings, drawings, statuary and sculptures, the signature of the artist shall be deemed a sufficient notice for such proprietorship.

9. To entitle any such literary production or engraving as is in this Act mentioned, being the work of any such person residing in Great Britain or Ireland, to the protection of this Act, the same shall be printed and published in Canada, and shall, in addition to the words directed to be inserted by the last section of this Act, and immediately following thereafter, contain the name and place of abode or business in Canada of the printer and publisher thereof.

10. If any other person, after the recording of the title of any book according to this Act, within the term or terms herein limited, prints publishes or imports, or causes to be printed, published and imported, any copy or any translation of such book without the consent of the person legally entitled to the Copyright thereof, first had and obtained by deed duly executed, or, knowing the same to be so printed or imported publishes, sells, or exposes to sale or causes to be published, sold or exposed to sale any copy of such book without such consent in writing, such offender shall forfeit every copy of such book to the person then legally entitled to the Copyright thereof; and shall forfeit and pay two dollars, for every such copy which may be found in his possession, either printed or printing, published, imported or exposed to sale, contrary to the intent of this Act; of which penalty one moiety shall be to the use of Her

Majesty, and the other to the legal owner of such Copyright, to be recovered in any Court of competent jurisdiction.

11. If any person, after the recording of any painting, drawing, statutory or sculpture work, within the term or terms limited by this Act, reproduces in any manner or causes to be reproduced, made or sold, in part or in the whole, copies of the said works of art, without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed or photographed to the proprietor or proprietors of the Copyright thereof and shall further forfeit two dollars for every sheet of the same reproduction so published or exposed to sale contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the Proprietor or Proprietors and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

12. If any person after the recording of the title of any print, cut or engraving, map, chart, musical composition or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches or works, sells or copies, or causes to be engraved, etched or copied, made or sold, either in the whole or by varying, adding to or diminishing the main design, with intent to evade the Law, or prints or imports for sale, or causes to be printed or imported for sale, any such map, chart, musical composition, print, cut or engraving, or any parts thereof, without the consent of the proprietor or proprietors of the Copyright thereof first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells or exposes to sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph or print, without such consent, as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph or print, has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the Copyright thereof, and shall further forfeit two dollars for every sheet of such map, musical composition, print, cut or engraving, which may be found in his or their possession, printed or published, or exposed to sale, contrary to the true intent and meaning of this Act; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

13. A literary work, intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical may be the subject of registration within the meaning of the present Act, while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the Office of the Minister of Agriculture, the registration fee be duly paid and that every separate article so published is preceded by the words "Registered in accordance with the Copyright of 1868"; but the work when published in book or pamphlet form, shall be subject, besides, to the other requirements of this Act.

14. Nothing herein contained, however, shall prejudice the right of any



person to represent any scene or object, notwithstanding that there may be Copyright in some other representation of such scene or object.

15. Whenever the author of a literary, scientific or artistical work or composition which may be the subject of Copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such Copyright, which is by the said transaction virtually transferred to the purchaser who may avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

16. If any person prints or publishes any manuscript whatever in Canada, or the same having been printed or published elsewhere, offers it or causes it to be offered for sale in Canada, without the consent of the author or legal proprietor first obtained, such author or proprietor being resident in Canada, or being a British subject resident in Great Britain or Ireland, such person shall be liable to the author or proprietor for all damages occasioned by such injury, to be recovered in any Court of competent jurisdiction.

17. If any person prints, publishes or reproduces any book, map, chart, musical composition, print, cut or engraving, or other work of art or photograph, and not having legally acquired the Copyright thereof, inserts therein, or impresses thereon, that the same hath been entered according to this Act, or words purporting the same, every person so offending shall incur a penalty not exceeding sixty dollars (one moiety thereof to the person who sues for the same, and the other moiety to the use of Her Majesty) to be recovered in any Court of competent jurisdiction.

18. No action or prosecution for the recovery of any penalty under this Act, shall be commenced more than two years after the cause of action arose.

19. Chapter eighty-one of the consolidated Statutes of the late Province of Canada, and chapter one hundred and sixteen of the Revised Statutes of Nova Scotia, (third series), and all other Acts or parts of Acts, inconsistent with the provisions of the present Act, are hereby repealed, subject to the provisions of the next section.

20. All Copyrights heretofore acquired under the Acts or parts of Acts hereby repealed, shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the Province or Provinces to which they now extend and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

21. In citing this Act it shall be sufficient to call it "The Copyright Act of 1868."



The following notice to applicants for Patents, has been issued by the Canada Patent Office ; and it will be seen that in the interest of the Inventors, as well as of the public service, the employment of a skilful Patent Solicitor to draw up the papers is recommended.

#### NOTICE.

“ The correspondence with the Department is carried, through the Canadian Mail, free of postage.

“ The forwarding of any paper should always be accompanied by a letter, and a separate letter should be written in relation to each distinct subject.

“ The correspondence is carried on with the applicant, or with the agent who has remitted or transmitted the papers to the office, but with one person only.

“ It is particularly recommended that reference should be made to the law before writing on any subject to the Department, in order to avoid unnecessary explanations and useless loss of time and labour ; and it is also recommended, in every case, to have the papers and drawings prepared by a competent person, for the interests both of the applicant and of the public service.

“ It must be remembered that the better papers are executed the sooner the work is despatched at the office and the surer the regularity of the proceedings is guaranteed.”

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*Extract from a work entitled "Commercial Sketch of Montreal, and its Superiority as a Wholesale Market," published in 1869, by Dodds and Chisholm.*

CHARLES LEGGE & CO.,

CIVIL ENGINEERS AND PATENT SOLICITORS.

48 Gt. St. James Street, (with Branch Offices in Washington, London, Paris, Brussels, Vienna and St. Petersburg.)

MR. LEGGE'S reputation as an engineer is so fully established, that the mere mention of this branch of his business ought to be sufficient. It will be recollected that in his capacity of engineer, he had a share in the erection of one of the greatest works and wonders of the age,—and so of all the ages—the Victoria Bridge. The St. Louis Hydraulic scheme was the work of his brain, and many others both near Montreal and in other parts of Canada. His plan of docks, water power, &c., at the foot of the Lachine Canal, obtained the highest praise from the highest authorities, the G. T. R. Commissioners, James Hodges, Esq., as well as such leading scientific men in the two services as Col. Ford, R. E., and Commander Olebar, R. N. It is to Mr. Legge's patent business that we beg more especially to call the attention of our readers. This is the only establishment of the kind in the Dominion on a widely-extended scale ; and we cannot, therefore, urge too strongly on inventors the advantage to be derived from a visit and consultation. It is also to be noted that Mr. Legge & Co. possess the same facilities for obtaining patents in other countries as in Canada, and that communications from a distance receive at their hands quite as much attention as if they were actually present. They have also a branch for the designing and registering of trade marks. A feature of immense importance in their manner of conducting business is that all communications are in the strictest sense of the word, confidential. The success which has attended the firm since their establishment in the patent business, in 1860,—patents having been obtained by them not only for persons residing in these Provinces, but also in England, France, the United States, &c.,—speaks very highly in their favor, and is the most practical inducement to inventors to confide in their integrity and capacity.





